

**KATE MULLANY SITE; AMEND THE ANILCA;
CONNECTICUT RIVER WATERSHED; AND CUM-
BERLAND ISLAND WILDERNESS**

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

S. 1241

S. 1433

S. 1364

S. 1462

OCTOBER 30, 2003



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CONNECTICUT RIVER WATERSHED; AND
CUMBERLAND ISLAND WILDERNESS**

THURSDAY, OCTOBER 30, 2003

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,
U.S. SENATOR FROM WYOMING**

Senator THOMAS. There's supposed to be a vote at 10:05, but it's been now delayed until 10:30, so we'll go ahead and get started. Then if we're interrupted by the vote, why, so be it.

At any rate, welcome. Welcome the witnesses to the subcommittee hearing. Our purpose is to hear testimony today on four Senate bills: S. 1241, a bill to establish the Kate Mullany National Historic Site in the State of New York; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, a bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreation activities on the Connecticut River watershed in the State of New Hampshire and Vermont; and, finally, S. 1462, a bill to adjust the boundary of the Cumberland Island Wilderness, and to authorize tours of the Cumberland Island National Seashore.

So that's what we have today, and we certainly welcome the witnesses to be here. I think members are not able to be here right now, so, if we might, Mr. Jones, if you could go ahead, sir, Deputy Director of the National Park Service, for your administrative comments on these matters.

[The prepared statements of Senators Chambliss, Leahy, and Miller follow:]

PREPARED STATEMENT OF HON. SAXBY CHAMBLISS, U.S. SENATOR FROM GEORGIA

Mr. Chairman, Cumberland Island is one of Georgia's "Golden Isles," a 36,415-acre ecological and historical treasure trove that is home to birds, sea turtles, wild horses, and an abundance of other animals which inhabit or visit the island's pines, beaches, and rich wetlands. This pristine island off of Georgia's coast is one of our most important natural resources. As author Charles Seabrook has written, "Cum-

berland's natural splendor, its unsullied beach nearly eighteen miles long, its big houses, its unfettered horses, its ruins of mansions and slave cabins, its little white church—all cast a mystique, an aura over the islands.”

Cumberland is unique both as a National Seashore and a Wilderness. It is a magnificent island that wins the hearts of virtually everyone who visits its shore and forests. It is also unique in the wilderness system in that it bears the broad imprint of a rich and diverse human impact. Cumberland is not an “ordinary” seashore, and it is not an “ordinary” wilderness.

The historic structures on the island and the stories they tell are compelling. The legislative history shows that those sites were always considered an important priority when Congress made Cumberland a National Seashore and when it subsequently designated portions of the island as a wilderness and potential wilderness.

Native Americans were attracted by the rich wildlife and settled the island nearly 5,000 years ago, leaving behind burial grounds and other evidence of human habitation. In more recent history, large plantations raised cotton, corn, and rice. Newly-freed African-Americans bought homes and established the village of Half Moon Bluff. After the Civil War, descendants of Andrew Carnegie built or expanded existing homes, such as Plum Orchard Mansion and Dungeness. Congress recognized the value of preserving this rich natural and historical heritage and passed Public Law 97-250, which designated approximately 8,840 acres of Cumberland Island as wilderness area under the National Wilderness Preservation System. Congress also authorized an additional 11,718 acres to be designated as potential wilderness. This designation places strong restrictions on land usage to preserve the wilderness. However, this designation resulted in an unintended consequence where the wilderness area severely restricts access along the only routes leading to Plum Orchard and the other historic structures.

As a result of the restrictions, the National Park Service reports that efforts to preserve these historic structures are hamstrung because it is both difficult and prohibitively expensive to transport crews and supplies to the sites of these historic buildings in order to perform regular and necessary maintenance and preservation work. Consequently, we may very well lose these extraordinary buildings simply due to neglect. Future generations of Americans would be shocked if they learned we lost these historic buildings to weather, termites, and age simply because we did not allow vehicles to use roads established over a hundred years of use.

To use just one example, Plum Orchard, built in 1898, is at serious risk. Not only is it Georgia's largest historic house, it is part of a historic district placed by the World Monuments Fund on its 2004 list of the 100 most endangered sites. However, because of the wilderness designation, the National Park Service is unable to perform the work necessary to preserve this monument.

Cumberland is also an island with an array of retained right properties. The retained rights agreements in many cases reflect the fact that some major land owners voluntarily agreed to property sales at bargain prices in order to facilitate the establishment of the National Seashore. Appropriately, those agreements allow the retained right holders and their families, among others, to use motorized vehicles along the access roads that are addressed in my legislation.

So the issue is not whether vehicles will be on the roads—they will be, with or without this bill. This bill will not open a flood gate of new vehicle use. It will simply allow the Park Service to maintain the structures, and it will allow public visitors to see the historic sites in a practical way. Today, families with small children, the elderly, and others who cannot make a hike of many miles, are essentially left without a reasonable way to traverse the island to the historic properties.

The evidence of the need for this bill is the fact that the historic buildings are in a perennial state of neglect, and public visitation to the buildings is for many citizens unattainable.

Mr. Chairman, this bill, the “Cumberland Island National Seashore Wilderness Revision Act of 2003”, addresses this dilemma by simply removing the main road, spur road to Plum Orchard, and North Cut Road from the wilderness designation and allowing their use at the same time designating 952 acres as potential wilderness on the southern end of the island so that there is no net loss of wilderness. The bill does not open up development or otherwise degrade Cumberland Island's habitats. By allowing the use of these roads, the Park Service can provide critical and necessary maintenance of the island's precious historical buildings, and allow more Americans to experience and appreciate the beauty and history of Cumberland Island. Let me be clear that this bill does not increase the number of people authorized to visit the island each year or allow increased tourist traffic on the island.

This legislation gives us a rare positive preservation opportunity. The National Park Service will be able to better manage the island and preserve vanishing parts of our history while at the same time protecting and preserving our natural environ-

ment. Our proposal has gained the support of visitors to Cumberland Island, Georgia's Trust for Historic Preservation, and the National Park Service. Again, I would emphasize that this bill does not open up roads that are not already being used by motorized vehicles. It does not unleash a flood of new visitors. But it does allow ordinary citizens the chance to do the thing that author David McCollough has so often spoken of to grasp the power of the history of this country by being able to see and touch and walk within the historic homes and buildings that tell the story of our country.

It is my hope that this committee will be able to support this proposal as well.

PREPARED STATEMENT OF HON. PATRICK LEAHY, U.S. SENATOR FROM VERMONT

Mr. Chairman, I am speaking today in support of the Upper Connecticut River Partnership Act which is currently before the Committee. This legislation will help bring recognition to New England's largest river ecosystem and help the communities along the river protect and enhance their natural, cultural and recreational resources. I am pleased to note that Senators Jeffords and Gregg are also original cosponsors of this bill.

For years, our offices and our states have worked together to help communities on both sides of the river develop local partnerships to protect the Connecticut River valley of Vermont and New Hampshire. This valley is a scenic region of historic villages located in a working landscape of farms and forests. Historically, the Upper Connecticut River Valley has functioned cooperatively even though the River is the actual boundary between two states. The River serves to unite Vermont and New Hampshire communities economically, culturally and environmentally.

Citizens on both sides of the river know just how special this region is and have worked side by side for years to protect it. The two states came together to create the Connecticut River Joint Commissions, which help coordinate the efforts of towns, watersheds and other local groups to implement the Connecticut River Corridor Management Plan. This Plan has become the blueprint for how communities along the river can work together, with the states of Vermont and New Hampshire and with the federal government to protect the river's resources.

The Upper Connecticut River Partnership Act would help carry out the recommendations of the Connecticut River Corridor Management Plan, developed under New Hampshire law, but with the active participation of Vermont citizens and communities.

This Act would provide the Secretary of Interior with the ability to assist the States of New Hampshire and Vermont with technical and financial aid for the Upper Connecticut River Valley through the Connecticut River Joint Commissions. The Act would also assist local community efforts to continue cultural heritage outreach and education programs while enriching the recreational activities already active in the Connecticut River Watershed of Vermont and New Hampshire.

The bill also will require that the Secretary of Interior establish a Connecticut River Grants and Technical Assistance Program to help local community groups develop new projects as well as build on existing ones to enhance the river basin. Over the next few years, I hope this bill will help bring new recognition to the Connecticut River as one of our nation's great water resources.

I urge the committee to take favorable action on this legislation. Thank you.

PREPARED STATEMENT OF HON. ZELL MILLER, U.S. SENATOR FROM GEORGIA

Mr. Chairman and members of the subcommittee, thank you for the opportunity to comment on S. 1462, of which I am a co-sponsor.

Cumberland Island National Seashore is an invaluable historical and environmental resource in which all Georgians take great pride. Since 1972, Cumberland Island has been entrusted to the federal government for the protection of its unique beauty for future generations to enjoy.

The National Park Service has many different issues to balance while managing the island. The Park Service must protect access for island residents, protect the environment, facilitate visitor access consistent with federal laws and preserve the cultural and historical treasures on the island. That is a tall order—especially considering that the Park Service must do all of this on a budget of less than \$2 million a year.

I co-sponsored S. 1462 because it will give all members of the public the opportunity to enjoy Cumberland Island by permitting reasonable access. Specifically, this bill will remove from the wilderness designation the 200-year-old main road, which is listed on the National Register, and two spur roads. This will allow access to nu-

merous historic sites on the western and northern edge of Cumberland. Under this legislation, the majority of the wilderness on Cumberland Island will be preserved, and there will be an additional wilderness designation of 210 acres on the south end of the island.

The National Park Service has been unable to draft or put into place a Wilderness Management Plan for Cumberland Island because of the lack of reasonable access to and use of these three dirt roads. The current wilderness restrictions against driving on these three roads make it nearly impossible for the National Park Service to use or maintain the historic buildings on the island. How are you, supposed to maintain buildings when the only way to reach them is by walking 10 to 12 miles each way?

One of these historic buildings is Plum Orchard. This mansion has 30 rooms spread over 22,000 square feet in the middle of a 600-acre estate. In 1972, the Carnegie family donated its island property along with \$50,000 to the National Park Service to be incorporated into the Cumberland Island National Seashore. The Park Service has tried numerous times to develop a public/private partnership to save this grand old house, but these attempts have failed because of the lack of reasonable access to Plum Orchard.

Cumberland Island is an ideal, one-of-a-kind educational opportunity for school children, but those opportunities are being wasted because of the accessibility issue. The National Park Service helps school teachers create history lessons about the island, but there's little chance the students will get to see the historical treasures on the north end of Cumberland Island. They simply can't get there. I don't know of a school system in Georgia that can afford to rent a boat to ship their 8th grade Georgia History class to Cumberland Island's north end. I don't know of too many students or teachers who are willing to hike 12 miles each way to see the Plum Orchard mansion, the First African American Church and the High Point/Half Moon Bluff.

While I'm on the subject of access, let me point out that the elderly and the disabled cannot enjoy these historically significant structures on the north end because of the wilderness restrictions. Every tax-paying citizen should have the ability to visit these sites without having to hike very long distances or obtain access to a boat.

The purpose of this legislation is to allow very limited vehicle access to the northern part of Cumberland Island. In no way would this bill allow visitors to put their SUVs or motor coaches on a ferry over to the island for a day of joy riding up on North Cut Road. Visitors are not even allowed to bring a bicycle over to the island. Under our bill, the Park Service would continue to monitor the visitation to the island and there would still be a limit of 300 visitors per day. The bill would simply allow the Park Service to offer tours to the island's north end, or to contract out those services.

This bill would allow everyone the opportunity to view all of the vastly different and historically significant structures located on Cumberland Island's north end, while also allowing the Park Service to more effectively maintain these structures for future generations to enjoy.

When Cumberland Island was transferred to the federal government, I believe the intent of the families who owned it was clear. The land was to be preserved and the rights of the families were to be safeguarded. I think Cumberland Island is a great success story of private landowners and public interests working in harmony to save environmental, historical and cultural treasures.

The island is the largest undeveloped barrier island in the United States, and our bill won't change that. Cumberland Island will remain undeveloped. It will remain the natural and historical treasure it has always been.

Thank you again for allowing me to comment on S. 1462.

STATEMENT OF RANDY JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE

Mr. JONES. I do ask that my statements be inserted into the record, and I'd be happy to summarize them, in the interest of time.

Senator THOMAS. It will be in the record.

Mr. JONES. Do you want me just to go through all of them first, Mr. Chairman.

Senator THOMAS. Yes, sir.

Mr. JONES. Okay.

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the views of the Department on S. 1462, a bill to adjust the boundary of Cumberland Island Wilderness, and to authorize tours of the Cumberland Island National Seashore, and for other purposes. The Department strongly supports S. 1462.

This bill would remove three roads—the Main Road, the Northcut Road, and the Plum Orchard spur from designated as wilderness or potential wilderness. Removing these roads from wilderness, which have existing vehicle traffic on them today, would allow the National Park Service, its concessioners, and permittees to have vehicular access to Plum Orchard, the settlement, and the beach at the north end of the island. S. 1462 would also amend significant provision of the seashore's enabling legislation, expressly authorizing tours by concessioners.

Conflict has encumbered the management of the Cumberland Island ever since the enactment of the wilderness designation, with the principal point of contention being a network of existing roads located within the wilderness and potential wilderness areas of the seashore which are legislatively designated in both areas.

Mr. Chairman, I would like to add that we have tried for the last 20 years to make this legislation work, to implement and continue to have good public access and protect the resource, and we have not been successful in doing that, to date.

At the time it enacted the Cumberland Island Wilderness, Congress expressly acknowledged the existing legal rights of island residents to use roads through the wilderness. This result has been conflicts between those wishing to uphold the vision of the wilderness of the island and those wishing to go about their lives on the island as they always have.

One of these conflicts impose motorized tours through the wilderness provided by the Grayfield Inn. For many years, the owners of the inn have offered commercial tours on roads designated and potential wilderness. At present, we have been challenged, and it was suggested we should stop these tours, arguing that it is unlawful to conduct motorized tours in a designated wilderness. Some have also complained that the wilderness restrictions limit vehicular access to two of the nation's National Seashore's more noteworthy historic and cultural features, the Plum Orchard Mansion and the High Point-Half Moon Historic District, an African American settlement.

We have been trying, Senator, for several years to provide an appropriate adaptive use of the Plum Orchard facility, for example, so that we could bring in some private capital to help save and protect this nationally significant resource. And we have not been successful, for the main reason that potential bidders are not interested, because there is insufficient access to the site. And so finding an appropriate successful adaptive use, we believe, is critical to the long-term preservation of this nationally significant historic structure.

The map that accompanies S. 1462 depicts an area of approximately 952 acres on the southern tip of Cumberland Island that would be newly designated as wilderness to offset the acreage in the High Point-Half Moon Historic District, as well as these three

roads, which would be removed from wildness or potential wilderness. The National Park Service supports this concept of assuring that there is no net loss of wilderness at Cumberland Island.

And I would like to add, as a final note, Senator, that there is precedent for this legislation that originated in this committee, in Alaska. It is the Arctic National Park, in the Anaktuvuk Pass area, where the Congress came back after designating the wilderness, and recognized that a off-road vehicle motorized trail was not appropriate in the wilderness. It was later removed from wilderness and alternate acreage of the development-loss concept developed by this committee, and we feel that this is consistent with that attempt in view of earlier action by this committee.

Senator THOMAS. Thank you. Mr. Jones, I'm going to interrupt you just a moment.

Mr. JONES. Yes, sir.

Senator THOMAS. The Senator has joined us, and I'd ask if she has any comment, opening comment, or comment on her bill.

**STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR
FROM ALASKA**

Senator MURKOWSKI. Thank you for S. 1364 and to allow me to make a few comments this morning.

This legislation is—we refer to as “Lucy’s Law,” and it would authorize the Federal land management agencies in Alaska to provide limited financial assistance to the surviving family members of their ANILCA local-hire employees who might die in their line of duty. This legislation is named for Lucy O’Hara, the widow of Tom O’Hara, who lost his life on December 20, 2002, while serving as National Park Ranger assigned to the Katmai National Park, in Alaska.

This was a line-of-death duty. Tom O’Hara was 41 at the time of his death and left behind his wife, Lucy, and three children. In the year following Tom’s death, Lucy and her family have been working to put their lives back together. They have relocated from Tom’s duty station, which was in the village of Naknek, to the Anchorage area. But this is not a move that, I think, most people can appreciate. Naknek is a bush village in rural Alaska. It’s not connected to any road system whatsoever. So for the O’Hara family, this is not an issue of renting a moving van and packing up the family in the car and moving; this is quite a considerable expense. The move cost the family about \$14,000.

If Ranger O’Hara was a career National Park Service employee from the lower 48, the Park Service could use existing government-wide authority to relocate his family back to the lower 48, at government expense. But Ranger O’Hara was one of a small number of Alaskans who were employed under the ANILCA local-hire program. These are noncompetitive appointments to individuals from the local area who have special expertise or special knowledge about a particular park, wildlife refuge, or forest. So the existing law does not give the Park Service the authority to relocate Ranger Tom’s family to a location where they can essentially get a new start on their lives, so this legislation is essentially designed to set things right.

This would put the families of ANILCA local-hire employees, like Tom O'Hara, on an equal footing with those career National Park Service employees imported to Alaska from the lower 48.

And, Mr. Chairman, as you know, we, in the Senate, deal in matters of great financial importance, many times involving millions of dollars, or occasionally billions of dollars. This legislation does not have significant financial import. If it were enacted, it would involve a financial commitment of about \$14,000, but that \$14,000 will make a huge difference to a family in my State, a big difference to that family that has already paid a supreme sacrifice.

I thank you for your leadership and allowing this small bill to move forward that will have a big impact on one of my Alaska families—and thank you for your consideration.

Senator THOMAS. Thank you very much.

We've also been joined by Senator Akaka. Any opening comments, Senator?

**STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR
FROM HAWAII**

Senator AKAKA. Thank you very much, Mr. Chairman. I want to thank you for scheduling this hearing.

All four of the bills on today's agenda address important issues, and I look forward to learning more about each of them this morning.

S. 1241 would designate that the Kate Mullany National Historic Site in Troy, New York. I understand that the site, which has been designated as a national historic landmark by the Secretary of the Interior, is an important part of the history of the American labor movement.

I look forward to working with Senators Clinton, Schumer, and Chairman Thomas in addressing this issue raised with the National Park Service, so that we can move the bill through the Committee.

S. 1364 is Senator Murkowski's bill to correct an unintended consequence of existing law so that the Department of the Interior would be able to pay certain expenses following the death of Federal employees in Alaska. I support the purpose of this bill, which I believe is non-controversial.

S. 1433 would authorize the Department of the Interior to provide technical and financial assistance to help with the management of the Connecticut River watershed in Vermont and New Hampshire. I understand that there is strong local support from affected communities along the river in both States, as well as bipartisan support from the congressional delegation of both States. I know that the Park Service has raised concerns, in general, with pass-through rent programs, but I would like to work with the bill sponsors to try and address those concerns as we take up this bill.

The final bill on the agenda is S. 1462, which would exclude certain lands, primarily roads, from wilderness designation at the Cumberland Island National Seashore, in Georgia. I know this proposal is controversial, and we will hear from witnesses on both sides of the issue. The removal of previously designated wilderness, especially within the National Park System, is always a concern to

me. I look forward to learning more about this bill and the specific issues.

I would like to add my welcome to all of the witnesses to the subcommittee, and I look forward to hearing that testimony.

Thank you very much, Mr. Chairman.

Senator THOMAS. Thank you, Senator.

Thank you, Mr. Jones, if you'd care to proceed.

Mr. JONES. Thank you, Mr. Chairman.

One last comment on Cumberland Island. We have heard comments from some folks who have said that if we take these roads out of wilderness, it would create all kinds of new road traffic on those roads, and I just want to make sure that the committee understands that that is not the case. It is still an island, there are still heavy restrictions on access to the islands, and what we do see is to essentially allow the kinds of uses that have occurred in the past to continue so that the public can, in fact, have some access to the historic structures and recreation resources on this island, and to take those existing roads that have existing highway traffic out of the wilderness, which we think is an appropriate action.

Moving on to S. 1364, a bill to amend the Alaska National Interest Lands Conservation Act, or ANILCA, Senator Murkowski very eloquently stated the position that we totally agree with and support. We strongly support this piece of legislation. And as she pointed out in her testimony, the key thing, from our point of view, is that this is allowing employees who were hired under special authority of ANILCA to have the same rights and benefits that any other Federal employee in Alaska already has. And under rule-making that was done by the Office of Personnel Management, interpreting ANILCA, that essentially waived several requirements of Federal personnel practices, their rule-making also essentially excluded some of the benefits that other Federal employees have, and so we think this is very equitable and very deserving. Since ANILCA was enacted, this would be the only case that this has happened, and we certainly hope that we will not have to use this authority again.

The one main change we do recommend to the legislation is to clarify that this provision would be retroactive to include the widow of Ranger O'Hara, as far as the effective date on this legislation.

Moving on to S. 1241, a bill to establish the Kate Mullany National Historic Site in the State of New York, the Department opposes enactment of this legislation. The bill proposes establishment of the Kate Mullany National Historic Site as a new unit of the National Park System. The site would comprise approximately one-twentieth of an acre in Troy, New York, and would include the southern half of a three-story brick apartment house now designated as the Kate Mullany House National Historic Landmark.

The Department opposes enactment of this legislation for three main reasons. First, there are already authorities and mechanisms in place at the Federal, State, and local level to support the preservation interpretation of this historic landmark, and we feel it is being adequately protected at this time. And based on that, therefore, it has been our policy that areas already receiving adequate protection do not need to be added to the National Park System. And, third, to meet the President's initiative to eliminate deferred

maintenance backlog, at this point, we, frankly, feel that we cannot afford these costs at this time.

There is no doubt of the significance of Katherine Mullany, as a labor leader from the 19th century, and her leadership. Our biggest concerns are about the integrity of the site, the surroundings, the interior, and the structure. And, therefore, as well as being adequately protected now, we feel that this legislation is not necessary. Given the overlapping local, State, and Federal designations and active interest by nonprofit organizations, we feel the establishment of this area as a unit of the National Park Service would be redundant.

Finally, on the S. 1433, the Upper Connecticut River Partnership Act, which would authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreation activities in the Connecticut River watershed, the Department appreciates the efforts of this commission and their exemplary work of the Connecticut River watershed. We have had a long working relationship with them, as have the other agencies in the Department of the Interior. However, we do oppose enactment of S. 1433 because it would necessitate the creation of a new Federal grant program focused exclusively on one particular watershed in one particular State. We feel it would be inappropriate for the National Park Service or the U.S. Fish and Wildlife Service to take on such new funding responsibilities at a time when we are trying to focus our resources in caring for existing areas.

We also believe that there are other existing funding mechanisms within the National Park Service, the U.S. Fish and Wildlife Service, Department of Transportation, and other Federal agencies that can foster the type of partnership efforts in addition to this bill. So we feel that new authority and new earmarking of funds at this time is not appropriate.

And so, at that point, Mr. Chairman, I'd be happy to answer any questions you have.

[The prepared statements of Mr. Jones follow:]

PREPARED STATEMENTS OF RANDY JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, ON S. 1241, S. 1364, S. 1433, AND S. 1462

S. 1241

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1241, a bill to establish the Kate Mullany National Historic Site in the State of New York. The Department opposes enactment of this legislation.

The bill proposes establishment of a Kate Mullany National Historic Site as a new unit of the National Park System. The site would comprise approximately 1/20 of an acre at 350 Eighth Street, in Troy, New York, and would include the southern half of a three-story brick apartment house now designated as the Kate Mullany House National Historic Landmark. The bill would authorize the Secretary to acquire the site and additional real and personal property, to administer the site, and to enter into cooperative agreements with the Hudson-Mohawk Urban Cultural Park Commission and other public and private entities to facilitate preservation and interpretation of the site and related historic resources.

The Department opposes enactment of this bill for three main reasons. First, there are already authorities and mechanisms in place, at the federal, state, and local level, to support the preservation and interpretation of the Kate Mullany House National Historic Landmark. Second, the National Park Service Organic Act (16 U.S.C. 1a-5) and *National Park Service Management Policies 2001* state that areas should not be added to the National Park System if preservation and management alternatives exist. And third, to meet the President's Initiative to eliminate

the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System.

The building at 350-352 Eighth Street is the only surviving structure known to be associated with Catherine A. (Kate) Mullany—an immigrant laundry worker who organized and led Troy's Collar Laundry Union from 1864 through 1870. The Collar Laundry Union was one of the first all-female unions in the United States to operate over a sustained period. Mullany was recognized in 1868 and 1869 at the meetings of the newly formed National Labor Union both for her work with the Collar Laundry Union and for that union's support and financial contributions to striking union iron molders in Troy and bricklayers in New York City. Kate Mullany lived with her widowed mother and sister in an apartment on the top floor of 350 Eighth Street from 1869-75, inherited the house when her mother died in 1876, moved away, returned in 1903, and died there in 1906.

The southern half of 350-352 Eighth Street was designated as the Kate Mullany House National Historic Landmark (NHL) in 1998. The building remained in private ownership until the spring of 2003 when the southern half (the NHL portion) was purchased by the New York AFL-CIO on behalf of the newly established American Labor Studies Center, a 501(c)(3) educational corporation.

The 1997 National Park Service (NPS) theme study on American Labor History noted that the Mullany House should be considered further for inclusion in the NPS system because it illustrated previously under-represented stories. A Reconnaissance Study, underway by the Northeast Region of the National Park Service in 2003, suggests that while the Mullany House is nationally significant, there are questions regarding the suitability and the need for NPS management. Additionally, the cost to operate the site and to provide adequate visitor services would be more than if the site was near an existing NPS unit where administrative functions could be shared.

Section 8 of the National Park Service Organic Act (16 U.S.C. 1a-5) and NPS Management Policies (*Management Policies 2001*) state that studies evaluating the suitability and feasibility of areas proposed for inclusion in the National Park System "shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area" and "identify what alternative or combination of alternatives would be most effective and efficient in protecting significant resources and providing for public enjoyment." In this instance, several authorities and mechanisms already exist for the protection of the Kate Mullany House and the public interpretation of her work and the larger story of the labor movement in the Hudson-Mohawk region and the nation as a whole. Given the overlapping local, state, and federal designations and active interest by a non-profit organization, establishing the site as a unit of the National Park System would be redundant.

NPS acquisition or management of the Kate Mullany House is not recommended because funding and technical support for its preservation and interpretation are already available through the Hudson River Valley National Heritage Area, New York State's Hudson-Mohawk Heritage Area (RiverSpark), grant programs administered by the New York State Office of Parks, Recreation, and Historic Preservation, and existing non-profit organizations particularly the New York AFL-CIO and its American Labor Studies Center. The site has also received assistance and funding from the National Historic Landmarks and Save America's Treasures programs.

Given the funding and personnel needs of existing units of the National Park System, the fact that the site has been purchased by the AFL-CIO, the existence of established authorities and mechanisms to support the preservation and interpretation of the Kate Mullany House National Historic Landmark, and direction from the NPS Organic Act and *Management Policies* that areas not be added to the system if preservation and management alternatives exist, we respectfully oppose enactment of S. 1241.

S. 1364

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1364, a bill to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain federal employees in Alaska.

For reasons related to the tragic death of a valued employee, the Department supports S. 1364 with one minor modification. With this and other provisions offered by the bill, we believe that a full measure of fairness and compassion is assured for families of this group of federal employees in Alaska. The Department would like to note that this is a unique case, limited to a certain small category of Federal em-

employees in Alaska, and does not set a precedent for other categories of Federal employees.

The need for this legislation came to light after a tragic accident last winter. National Park Service Ranger/Pilot Tom O'Hara, 41, was killed on December 20, 2002, when his plane crashed on the tundra in the Alaska Peninsula National Wildlife Refuge. Mr. O'Hara and his passenger, a biologist for the U.S. Fish and Wildlife Service were conducting a moose tracking survey in Alaska Peninsula NWR. His passenger was severely injured, but survived.

Mr. O'Hara and his family lived in the small village of Naknek, Alaska, near his boyhood home where they were dedicated community members. His widow, Lucy, however wished to move to Anchorage, Alaska, to be closer to her family, and did so earlier this year at her own expense.

Mr. O'Hara came to work for the National Park Service under a special authority in the Alaska National Interest Lands Conservation Act, (ANILCA), which authorizes Federal land managers to extend a hiring preference to those with special knowledge about a Conservation System Unit. In the parlance of the bureau, he was a "local hire."

Under Federal Travel Regulation, when a federal employee dies outside the Continental United States, the Federal Government will reimburse the members of his or her household for the cost of relocating to their permanent residence. Alaska is regarded as outside of the Continental United States under this regulation. But, if a deceased employee is a local hire employee, the regulation does not authorize the Federal Government to reimburse the surviving family members for their relocation cost because the deceased employee's home town is deemed to be the local hire duty station. In the case of the O'Hara family, the government was not authorized to move Mr. O'Hara's widow and their children out of Naknek to Anchorage.

S. 1364 would allow the Federal Government to reimburse the surviving immediate family for the cost of transporting the deceased within the State of Alaska for any employee who dies on or after October 1, 2002. It would also authorize the Federal Government to relocate the immediate family members to a community in the State of Alaska that is selected by the surviving head of household. To assure the O'Hara family is assisted by this legislation we recommend two minor amendments as follows: On page 2, line 14 strike "pay reasonable" and insert "pay or reimburse reasonable". On page 2, line 19 strike "pay reasonable" and insert "pay or reimburse reasonable".

The reimbursable expense of the O'Hara move is approximately \$14,000. The National Park Service believes there will be very few, and hopefully no more, instances where this bill's authority is needed. While the numbers vary, there are generally fewer than 150 local hire employees among all Department bureaus in Alaska (see report pursuant to P.L. 106-488). However, should this type of incident happen to a Department of the Interior local hire employee again, we would refer to this law to help the surviving family members.

S. 1433

Mr. Chairman, thank you for the opportunity to appear before you today to discuss the views of the Department of the Interior on S. 1433, the Upper Connecticut River Partnership Act, which would authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont.

The Department appreciates the efforts of the Connecticut River Joint Commissions and their exemplary work in the upper Connecticut River watershed. Many local, state, regional and federal organizations have worked in partnership with the Commissions for many years to support numerous efforts to improve water quality, promote sustainable tourism, protect unique natural and rural resources, and improve recreational opportunities. However, the Department opposes S. 1433, because it would necessitate the creation of a new grant program focused exclusively on one specific watershed. It would be inappropriate for the National Park Service or the U.S. Fish and Wildlife Service to take on such a new funding responsibility at a time when we are trying to focus our resources on caring for existing areas and meeting the President's Initiative to eliminate the deferred maintenance backlog.

While we certainly support helping to fund activities that conserve and enhance the cultural, environmental and recreational resources of the upper Connecticut River watershed, we believe that there are existing funding mechanisms within the National Park Service, U.S. Fish and Wildlife Service, and other federal agencies that can foster the type of partnership efforts envisioned in this bill. For example, technical assistance is available through the National Park Service's Rivers, Trails,

and Conservation Assistance Program, while grants are available through the U.S. Fish and Wildlife Service's North American Wetlands Conservation Act Grants Program, the Department of Transportation's surface transportation programs or the National Oceanic and Atmospheric Administration's (NOAA) community-based restoration programs.

The upper Connecticut River watershed encompasses 41 percent of the state of Vermont's total area and 33 percent of the state of New Hampshire's. It has been the subject of many past studies, including National Park Service (NPS) studies, which document its natural and cultural resources. The upper Connecticut River watershed was recognized by Congress in 1991 as part of the Silvio O. Conte National Fish and Wildlife Refuge; the refuge manages the Nulhegan Basin unit and sponsors education centers at the Montshire Museum in Norwich, Vermont as well as in Colebrook, New Hampshire and Turner's Falls, Massachusetts. The watershed also contains units of the National Park System including Marsh-Billings-Rockefeller National Historical Park, Saint Gaudens National Historic Site, and sections of the Appalachian Trail. The NPS Rivers, Trails and Conservation Assistance Program field office in Woodstock, Vermont has projects in the watershed, and the Hydropower Relicensing and Wild & Scenic River programs serve the region from the Northeast Region's office. There are 75 National Register Historic Districts in the 207 towns of the region. The Connecticut River was designated an American Heritage River in 1998, and is home to the Connecticut River Scenic Byway, designated by the States of Vermont and New Hampshire in 1999.

The Connecticut River Joint Commissions was formed in 1989, uniting separate commissions that had been formed by the States of Vermont and New Hampshire previously. In 1997, working with 5 bi-state local subcommittees, they produced the Connecticut River Corridor Management Plan. From 1992 to 1999, through Congressional earmarks, the NPS provided \$1.325 million to the Connecticut River Joint Commissions, as well as technical assistance, for work in the upper Connecticut River watershed. The NPS will continue as an enthusiastic supporter and work with the Joint Commissions. The agency, however, will not be able to provide the financial support that they seek.

S. 1462

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on S. 1462, a bill to adjust the boundary of the Cumberland Island Wilderness and to authorize tours of the Cumberland Island National Seashore, and for other purposes.

The Department supports S. 1462. The bill would remove three roads; the Main Road, North Cut Road, and the Plum Orchard Spur, from designation as wilderness or potential wilderness. Removing these roads from wilderness would allow the National Park Service (NPS), its concessioners and permittees to have vehicular access to Plum Orchard, The Settlement, and the beach at the north end of the island.

S. 1462 would also amend a significant provision of the seashore's enabling legislation to expressly authorize tours by concessioners. The enabling legislation currently states that the island shall be permanently preserved in its primitive state and no "development . . . or plan for the convenience of visitors" shall be undertaken that would be incompatible with preserving the island's natural resources. The bill provides that, notwithstanding this prohibition, the National Park Service may enter into concession contracts for tours of the island, thereby enabling the public to visit portions of the island that otherwise would be difficult to access.

When President Reagan signed the act establishing the Cumberland Island Wilderness, he noted "[i]ncluding areas [of Cumberland Island] into the National Wilderness Preservation System which do not meet the suitability criteria of the Wilderness Act System will necessarily create conflicts in management of the area." These words from 1982 have proven to be prophetic. Conflict has encumbered the management of Cumberland Island ever since enactment of the wilderness legislation, with the principal point of contention being a network of roads located within the wilderness and potential wilderness areas at the seashore which are legislatively designated in both areas.

At the time it enacted the Cumberland Island wilderness legislation, Congress expressly acknowledged the existing legal rights of island residents to use roads through wilderness to reach their property. The result has been conflicts between those wishing to uphold a vision of wilderness for the island and those wishing to go about their lives on the island as they always have.

One of these conflicts involves motorized tours through the wilderness provided by the Greyfield Inn. For many years the owners of the inn have offered commercial tours on roads in designated and potential wilderness. Wilderness advocacy groups

have vigorously opposed this use and dispute Greyfield's claim that it has a pre-existing legal right to conduct the tours. At present some of these groups are seeking to stop the tours through litigation, arguing that it is unlawful to conduct motorized tours in designated wilderness. The Court has remanded the case to the NPS to decide whether Greyfield has a pre-existing right to conduct the tours and the NPS is in the process of doing so.

Some have also complained that the wilderness restrictions limit vehicular access to two of the national seashore's more noteworthy historical and cultural features, the Plum Orchard mansion and the High Point-Half Moon Bluff Historic District (an African-American settlement). While Plum Orchard is accessible by water, neither of these sites is accessible by vehicle except by using roads that cross wilderness or potential wilderness. Under NPS policy, both designated and potential wilderness areas must be managed as wilderness, meaning that mechanized transport is prohibited subject to the limited exception of the Wilderness Act. Past efforts to lease Plum Orchard for adaptive re-use and preservation have not been successful, in part, because the principal access road, the Plum Orchard Spur, lies in potential wilderness. Finding an appropriate and successful adaptive use is critical to long-term preservation of this nationally significant historic structure.

It is our understanding that part of the intent of the legislation is to enhance the ability of the NPS to maintain the cultural resources of the High Point-Half Moon Bluff Historic District by removing this area from potential wilderness. However, while this intent is apparent from the map that accompanies the bill, the legislation itself does not contain language that would expressly accomplish this result. We suggest that the bill be amended to remove this possible confusion. Our suggested amendment is attached to this testimony as well as some additional technical amendments.

The map that accompanies S. 1462 depicts an area of approximately 952 acres on the southern tip of Cumberland Island that would be newly designated as wilderness, to offset the acreage in the High Point Half Moon Bluff Historic District, as well as the three roads, that would be removed from either wilderness or potential wilderness. The NPS supports this concept of ensuring that there is "no net loss" of wilderness at Cumberland Island. In fact, support for S. 1462 is based in large part on the addition of these lands at the south end of the island to the designated wilderness.

Potential costs associated with enactment of S. 1462 would include the cost of a feasibility study and environmental compliance that would be required before a concession contract would be awarded for tours of the island. This type of concessions study usually costs between \$25,000 and \$35,000. Other costs that might be required on NPS lands in order to support concessions operations, such as facilities, would be determined by this study. There might also be some costs associated with managing lands that will change designation under this bill but they are expected to be minor.

That concludes my testimony. I would be pleased to answer any questions that you or other members of the subcommittee may have.

PROPOSED AMENDMENTS

S. 1462, Cumberland Island National Seashore Wilderness Boundary Act of 2003

Page 2, line 5, strike "640/20,038F, and dated April 2003", and insert "640/20,038G, and dated September 2003".

Page 2, line 11, insert a new paragraph, "(4) POTENTIAL WILDERNESS—The term Potential Wilderness means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north end of Cumberland Island known as the High Point-Half Moon Bluff Historic District.

Page 2, line 24, strike "approximately 210 acres of land identified on the map as 'The Nature Conservancy'", and insert "approximately 231 acres of land identified on the map as 'Areas Become Designated Wilderness upon Acquisition by NPS'".

Senator THOMAS. With respect to this Connecticut River one, then, this is already, what, being worked on by a joint commission, is that correct?

Mr. JONES. That's correct. There were two commissions, one in Vermont, one in New Hampshire, that merged into a joint interstate commission.

Senator THOMAS. And they, of course, can apply for various monies from the Department now?

Mr. JONES. Yes, sir, that's correct, Mr. Chairman. In fact, the U.S. Fish and Wildlife Service has, in fact, granted grants to this commission and asked for some of their work for habitat protection and species management.

Senator THOMAS. As I recall, looking at this, it authorizes the appropriation of a million dollars per year, with no limitation on the number of years.

Mr. JONES. That's correct, and that's one of the reasons we're concerned.

Senator THOMAS. Senator?

Senator AKAKA. Thank you, Mr. Chairman.

Mr. Jones, most of these bills, for me, are pretty straightforward. However, S. 1462, the Cumberland Island bill, is, I feel, a little more complicated for me. I would like to ask a few questions with respect to your testimony on that bill.

As I understand the purpose of the bill, Mr. Jones, it would exclude about 890 acres of previously designated wilderness within the National Seashore, including a 21-foot right-of-way running along the main road. The primary road in the—and that's a primary road in the seashore. It appears that the lands adjacent to the road will remain in wilderness status.

I looked at the map of the park yesterday, and this island appeared to be very small. According to the map legend, the distance between the road and the far edge of the wilderness boundary is only a few hundred feet. If the road is excluded from the wilderness designation, and new motorized access is allowed, won't that have an effect on the remaining small wilderness area?

Mr. JONES. We do not believe there will. We think that there has already—there exists today extensive motorized use and—extensive as far as the local concern, because a visitor going to the island cannot take their car out to the island. You can only get to the island by ferryboat. And so the vehicles that are out there are owned by local individuals, by the National Park Service. And under this bill, we would propose to allow a concessioner to also provide tours. And so, to the extent that there would be an increase in vehicle traffic, we think it would be very minimal over the vehicle use that is there today. And, therefore, we think it can be done in a manner that's compatible with the adjacent wilderness and, at the same time, as I mentioned earlier, would provide us an opportunity to preserve the historic structures on the island that we have just encountered numerous challenges trying to protect over the years.

And I would note, as an example of where we have taken extraordinary efforts to try to make this work, is a few years ago we signed a 14-party agreement with all the stakeholders groups to try to lay out what is appropriate use, how it should work, and we feel that was a very good agreement. But, as we find in today's society far too often, is that even though we thought we'd identified all the stakeholders, we missed a couple, and we're being sued, saying that that agreement and its implementation is illegal. And that's going through the courts now. And should those groups prevail, it will actually result in a reduction over current use as it exists today.

Senator AKAKA. As you noted in your testimony, the bill authorizes commercial tours, notwithstanding section 6(e) of the park's

enabling statute, which directs that the seashore, and I quote, “shall be permanently preserved in its primitive state, and no development for the convenience of visitors shall be undertaken,” unquote. Given that legislative purpose for the establishment of the National Seashore, why does the National Park Service, an agency charged with protecting this area, support a proposal which is clearly inconsistent with the park’s authorizing legislation?

Mr. JONES. Well, by—if this legislation and the amendment were enacted, of course, it would amend the enabling legislation and, we think, clarify it in an appropriate way. The northern end of the island, for example, has major historic resources, archeological resources. For example, the remnants of a 19th century African American community, and there still remains today a church and other buildings associated with that historic site that people like to get to and view a historic resource. And we think asking them to walk to get to it is not appropriate and that, therefore, limited—and I emphasize “limited”—access of the road to get to—allow the public to access these areas is important, and it’s appropriate.

Senator AKAKA. Section 3 of S. 1462 authorizes the Park Service to enter into concession contracts to allow for commercial tours consistent with the relevant clause, including the Wilderness Act. Section 4 of the Wilderness Act states that, and I quote, “there shall be no commercial enterprise within any wilderness area,” unquote.

Now, in your view, how is a commercial tour concession operation consistent with the Wilderness Act?

Mr. JONES. Well, and I would say it’s not, which is why we’re recommending the road be removed from wilderness, so that we don’t have that very conflict.

Senator AKAKA. Well—

Mr. JONES. And because the concessions used—and, again, we would be more than happy to work with the committee to clarify the intent to keep the scope of it as very narrow, very direct. But the concept of having a concessioned use is to essentially allow the types of van tours that exist today and are operating today would be allowed to continue.

Senator AKAKA. Well, I thank you so much for your responses. Thank you, Mr. Chairman.

Senator THOMAS. Just as a matter of information, when this was designated, did these roads exist?

Mr. JONES. Yes, sir, they did. In fact, when President Reagan signed the act into law, he raised, in his statement accompanying the signing of the legislation, a major concern that this was a conflict or a train wreck that was going to happen, and that’s, in fact, exactly what has happened.

Senator THOMAS. All right, sir. Well, we thank you very much.

And we’ll go ahead, again, knowing there’s going to be a vote here before too long. We’d like to ask the witnesses to join us at the table, please—Mr. Gregory Paxton, president of The Georgia Trust, Mr. Sean McKeon, executive director of the Northeast Regional Forest Foundation, in Vermont, Mr. Hans Neuhauser, director, Georgia Environmental Policy Institute, and Ms. Sharon Francis, executive director of the Connecticut River Joint Commissions.

Thank you all for being here, and we appreciate it very much. I'm just going to follow the listing, as they were in the program here. So, Mr. Paxton, if you'd care to begin. And, for all of you, your total statements will be in the record, and if you would hold your comments to about 5 minutes, why, that would work well.

Mr. Paxton.

**STATEMENT OF GREGORY P. PAXTON, PRESIDENT AND CEO,
THE GEORGIA TRUST FOR HISTORIC PRESERVATION**

Mr. PAXTON. Thank you, Mr. Chairman, ranking member Akaka. Thank you very much for this opportunity to testify today.

I am president of The Georgia Trust for Historic Preservation. With nearly 8,000 members, we are one of two of the largest statewide nonprofit preservation organizations in the country. Our mission is to promote an appreciation of Georgia's diverse historic resources and provide for their protection and use.

I've been actively involved in Cumberland Island at the trust and through serving on the Cumberland Island Historic Foundation since its founding in 1982.

Cumberland Island is a large and complex island, with a rich natural and human history. A multitude of significant historic and cultural resources within the island's natural setting represents a unique opportunity to preserve and interpret the island's natural environment while conserving the island's historic resources. Save America's Treasures Program has designated Cumberland Island's diverse historic resources as nationally significant.

When signing the original legislation, as was mentioned by the Park Service, both President Reagan and soon-to-be Secretary of the Interior, Donald Hodel, expressed concern and noted conflicting mandates between the wilderness and historic preservation laws governing this designation, and these conflicts remain unresolved. Cumberland Island has a rich 5,000-year history of human habitation, including a Native American village, two 16th century Spanish missions, 450 African American slaves lived there in 1850, and the southernmost fort in the 13 original colonies was located on Cumberland Island. The evidence of human habitation is everywhere on the island. Historic and natural resources are both important elements of Cumberland Island's past, present, and future.

Managing part of the island so that it meets wilderness criteria in the future should not be carried out in a manner that prevents or undermines preservation, access, or use of current historically significant sites, and that is currently the case. S. 1462 will permit public access to numerous historic sites along the island's western and northern edge by removing from the wilderness the 200-year-old Main Road, which itself is listed in the National Register of Historic Places, and two spur roads.

Legislation adds 210 acres, as has been noted. Private landowners have donated a hiking path in the middle of the island and in the middle of the wilderness designated area to provide a heightened wilderness experience.

The intent of this bill is misrepresented by stating that its purpose is to benefit private and commercial interests. Under the current status, access to many historic resources is prevented to the vast majority of visitors because of the distances between the sites.

And a survey of island visitors have indicated that they overwhelmingly want to see both natural and historic resources. This bill retains the island's natural areas while allowing provision of tours to these sites, including the average day-tripper and those unable to hike great distances.

The lack of general accessibility also prevents viable attempts to adequately preserve and maintain the historic buildings, themselves. And three large historic structures, and more than half of the structures located in the northern historic district, have all been demolished by neglect or for other reasons since the designation of this area.

S. 1462 will permit road access to the north end of the island, allowing visitation of the African American settlement, a late 1800's community, and an adjoining history cemetery, a rare, tangible link to the slaves who once occupied the island. In fact, the entire northern end of the island to be served by two of these roads is a National Register historic district.

The bill will also facilitate preservation of the 1898 Plum Orchard. It is Georgia's largest historic house, which part of the Carnegie family donated with 12 acres in 1970 to help establish the National Seashore. The Park Service struggles to preserve it, and, as you heard, several recent attempts to establish a public/private partnership to assist have failed due to lack of reasonable road access, and that's what the third road in this bill provides.

The current uncertainty about driving on these historic roads make using and maintaining historic buildings, such as Plum Orchard, which require continual upkeep, nearly impossible. The World Monuments Fund has recently listed Plum Orchard as a threatened building, joining only six listings in the United States.

The island was designated a National Seashore in 1972 because it offered such a wonderful mix of both natural and cultural resources. It was clearly intended that structures like Plum Orchard would be preserved and used.

Private landowners, including the proprietors of Grayfield Inn, already have the right to drive on these roads through longstanding practice and retained rights with the Park Service. The general public does not have a right to bring or drive a car on the island now, nor will it under this bill. The goal of the legislation is to allow reasonable access under the aegis of the Park Service for members of the general public to the island's numerous historic sites.

The proposed legislation is a compromise. It doesn't take into account all the areas that we'd like to see, but it's a reasonable compromise that balances the interests of wilderness advocates, historic preservationists, island residents, and, most importantly, Cumberland Island visitors.

Georgia Trust for Historic Preservation strongly supports this bill, and we commend Senators Chambliss and Miller for their bipartisan leadership in forging a creative solution for Cumberland Island National Seashore.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Paxton follows:]

PREPARED STATEMENT OF GREGORY B. PAXTON, PRESIDENT AND CEO,
THE GEORGIA TRUST FOR HISTORIC PRESERVATION

Chairman Thomas, Ranking Member Akaka, and Members of the Committee, thank you for this opportunity to testify today. I am Gregory B. Paxton, President and CEO of The Georgia Trust for Historic Preservation. With nearly 8,000 members, the Georgia Trust is one of the two largest statewide, non-profit preservation organizations in the country. Our mission is to promote an appreciation of Georgia's diverse historic resources and provide for their protection and use. That is why I am here today to speak to you about Senators Chambliss' and Miller's legislation, Senate Bill 1462, the Cumberland Island National Seashore Wilderness Boundary Act of 2003. I have been actively involved in the preservation of the outstanding historic resources on Cumberland Island through my role at the Trust and through serving on the Cumberland Island Historic Foundation since its founding in 1982.

Cumberland Island is a large and complex island with a rich natural and human history. The multitude of significant historic and cultural resources within the island's natural setting represents a unique opportunity to preserve and interpret the island's cultural heritage while conserving the ecosystems and animal species that comprise the island's natural environment. The National Trust for Historic Preservation's Save America's Treasures program has designated Cumberland Island's diverse historic resources as nationally significant.

The original legislation establishing Cumberland's wilderness set up a conflict between protecting the island's historic resources and its natural resources. In fact, President Reagan and his soon-to-be Secretary of Interior Donald Hodell noted conflicting mandates between wilderness and historic preservation laws when signing the act into law in 1982. The Wilderness Act prohibits any use of buildings within a designated wilderness area, but the National Historic Preservation Act calls for preservation of historic resources. These conflicts remain unresolved.

In a letter dated July 12, 1982 to the Hon. James A. McClure, Chairman of the Senate Committee on Energy and Natural Resources, Secretary Hodell wrote:

We have serious reservations as to whether the [Cumberland Island] lands to be designated as wilderness under S. 2569 meet the criteria set forth in the Wilderness Act. However, because wilderness designation will help maintain the area in its natural state to a greater degree than other environmental laws alone, and because of strong public support for the wilderness designation, we support enactment of this bill, if it is amended to reflect the concerns noted below. However, the requirements of section 106 [of the National Historic Preservation Act] may well conflict with the designation of these lands as wilderness, since the Wilderness Act defines wilderness as "natural" and "undeveloped" in character and devoid of "permanent improvements or human habitation." Maintaining the structures in perpetuity would seem to frustrate the intention of Congress that these lands eventually be designated as wilderness. At the same time, designating this acreage as wilderness would seem to frustrate Congress' intent that historic structures be preserved. *We believe this apparent internal conflict with S. 2569 should be resolved before the bill is enacted into law.* [Emphasis added]

While Cumberland Island today is a barrier island with much of its land area returning to a natural state, the island also represents a rich 5,000-year history of human habitation, revealed in the island's landscape, archaeological remains and extant historic resources. The island has been occupied by Native Americans, Spanish and French explorers, the English Lord Proprietor of the Georgia Colony, American generals, enslaved and free African Americans, and more recently the Carnegie and Candler families and descendants. The evidence of this human habitation is everywhere from the Native American burial grounds and shell middens to the crumbling chimney pots and tabby ruins; from the 1890 freed slave settlement to the large estates with numerous outbuildings. These tangible traces of America's and Georgia's history warrant protection along with the areas that are re-growing wild around them. Historic and natural resources are both important elements of Cumberland Island's past, present and future.

Throughout much of the last 200 years the vast majority of the island has been cleared and cultivated. Horses and pigs are among the dominant animal species on the island. In fact, the areas designated wilderness and potential wilderness do not currently meet the criteria for designation of wilderness, but contained in these areas are districts that do currently meet the criteria of historic significance. These districts should have their wilderness or potential wilderness designations removed in order to provide access for visitors and feasible preservation, maintenance and active use.

Managing portions of the island with the goal of meeting wilderness criteria in the future is a worthy one. However, the designation or management of portions of the island to meet this future goal should not be carried out in a manner that prevents or undermines preservation, access to or use of current cultural and historic significant resources; and that is currently the case.

S. 1462 will not prevent the island's natural areas from being preserved as wilderness. It will permit public access to numerous historic sites along the island's western and northern edge by removing from the wilderness the 200-year-old main road, listed on the National Register, and two spur roads. The bill leaves intact the vast majority of the acreage designated wilderness or potential wilderness, as a contiguous area in the middle of the island more than six miles long and two miles in width. Indeed, the legislation adds 210 acres to the wilderness, while removing less than 30 acres of roadbed. Though it is seldom used, private landowners have donated a hiking path in the middle of the island to provide an opportunity for a heightened wilderness experience.

The intent of this bill is misrepresented by those who state that its purpose is to take portions of the island out of protective status to benefit private and commercial interests. Under the current status, access to many historic resources is prevented for the vast majority of visitors because of the distances between historic sites. Surveys of island visitors have indicated they overwhelmingly want to see both natural and historic resources. According to the CUIS Visitors Study, 83 percent went to the Dungeness historic area and 64 percent visited the Ice House Museum. Sixty-two (62) percent of visitors, asked to list reasons for visiting the park, chose "visiting historical areas." This bill protects the island's natural areas while allowing provision of tours to the island's historic and cultural sites for visitors, including the average day-tripper and those unable to hike great distances.

This lack of general accessibility also prevents viable attempts to adequately preserve and maintain the historic buildings themselves. Three important historic structures listed on the National Register of Historic Places have fallen to the ground from neglect. These include the Dungeness Recreation Building, designed by the nationally recognized firm of Peabody & Stern, and the Plum Orchard Carriage House. In addition, more than half the 13 structures located in The Settlement, or Half Moon Bluff, and identified in the National Register of Historic Places nomination have been lost. Plum Orchard, despite expenditures of great public and private funds, has greatly deteriorated since its acquisition by the Park Service, although the Trust appreciates that this deterioration is now partially being addressed.

S. 1462 will permit road access to the north end of the island, providing access to the historic African-American Settlement, a late 1800s community made famous as the site of John Kennedy, Jr.'s wedding; and an adjoining historic cemetery, a rare tangible link to the slaves who once occupied the island. Nearby are Native American shell mounds in an area once containing a 1595 Spanish mission and Gen. Oglethorpe's 1736 fort.

The bill will also facilitate the preservation of 1898 Plum Orchard, Georgia's largest historic house, which part of the Carnegie family donated with 12 acres and \$50,000 in 1970 to help establish the National Seashore. The Park Service struggles to preserve it, and several attempts to establish a public/private partnership to save the house have failed for lack of reasonable road access. The current limitations to driving on these historic roads make using and maintaining historic buildings such as Plum Orchard, which require continual upkeep, nearly impossible. The World Monuments Fund has recently listed Plum Orchard as a threatened building, joining only six (6) listings in the U.S. and 100 worldwide.

The island was designated a National Seashore in 1972 because it offered such a wonderful mix of both natural and cultural resources. It was clearly intended that structures like Plum Orchard would be preserved and used. Many of the private owners of Cumberland Island have been instrumental in the preservation and protection of the island. They fought development proposals, lobbied for Seashore and Wilderness designations and donated, bargain sold or voluntarily sold their property to the National Park Service in order to preserve the island's historic and natural resources, as they were. These owners and former owners who retain rights on the island are not interlopers in the wilderness. They are its creators. Private owners have also preserved and continue to preserve many of the island's historic resources and their agreements with the Park Service provided for it to preserve the historic properties under its care.

These private landowners including the proprietors of Greyfield Inn already have the right to drive on these roads through long-standing practice and retained rights with the National Park Service. The general public does not have a right to bring or drive a car on the island now nor will it under this bill. The goal of this legisla-

tion is to allow reasonable access under the aegis of the Park Service for members of the general public to the island's numerous historic sites.

After thousands of years of often-intensive human occupancy, Cumberland Island is a rich and fragile combination of natural, prehistoric and historic resources that together make it a special place worthy of protection. S. 1462, the Cumberland Island National Seashore Wilderness Boundary Act of 2003 provides a more balanced approach to protecting the island's resources by providing access for the purposes of maintenance, preservation and limited visitation. The Subcommittee Report should make clear that this change to the wilderness designation is not to set a national precedent of de-designating wilderness, but to rectify a legal conflict preventing preservation of the island's significant historic areas that has existed since the Cumberland Island designation was first considered.

The proposed legislation is a compromise, as it leaves in the potential wilderness High Point, a National Register of Historic Places district with 14 buildings. But it is a reasonable compromise, balancing the interests of wilderness advocates, historic preservationists, island residents and most importantly, Cumberland Island visitors.

The Georgia Trust for Historic Preservation strongly supports this bill and we commend Senators Chambliss and Miller for their leadership in forging a creative solution for Cumberland Island National Seashore.

Senator THOMAS. I think in order to have continuity, we'll go to the gentleman from Georgia now, Mr. Neuhauser.

**STATEMENT OF HANS NEUHAUSER, EXECUTIVE DIRECTOR,
GEORGIA ENVIRONMENT POLICY INSTITUTE, ATHENS, GA**

Mr. NEUHAUSER. Thank you, Mr. Chairman. Thank you for the invitation to testify.

The existing Cumberland Island wilderness was established after 10 years of debate discussion. Support for the measure was bipartisan. The Carter administration endorsed the measure, and President Reagan signed it into law.

The present bill is close to a secret. Few people, including Georgians, are aware of the bill, and even fewer have seen the map that accompanies it. Hardly anyone has seen the new map that the National Park Service proposes in its testimony today, as a substitute for the one referred to in S. 1462. And the map is where the devil is.

As people do become aware of the bill and its assault on the Cumberland Island wilderness, the opposition to it grows. For the record, I will submit a letter from a number of these groups who oppose the bill.

Let me cut to the chase. The effect of S. 1462 goes far beyond the seemingly innocuous readjustment of Cumberland's wilderness map. The bill overturns the National Seashore's original purpose, to be permanently protected in its primitive state, and substitutes commercial tours as the paramount use. The bill strikes the existing Cumberland Island wilderness and its primitive legislative history, and creates a series of fragmented wilderness areas of far less value to the American people, reference the map to my right.

By creating a second high-density-use area on the north end of the island, and by connecting the two high-use corridors, the main road and the beach, the bill will eclipse the public's opportunity to enjoy Cumberland's unique wilderness experience. Remaining wilderness areas will be fragmented and relegated to those areas left over after the island's development, reference the other map that's in your package.

The bill expands existing valid rights of retained right-holders to add new rights not currently held, including, without limit, the

right to run tours from one end of the island to the other and on Northcut Road, which is presently part of the Cumberland Island wilderness.

The bill trades a potential wilderness addition at the north end of the island for a new wilderness area in the south. This is not an equal trade, especially in terms of wilderness value. The proposed southern wilderness is an isolated, small fragment that consists largely of marsh and tidal creek inaccessible to the visitor. For the people who do manage to visit the area, the view includes a number of manmade intrusions, including three paper mills, the container cranes at a nearby port, two mile-long jetties, a fishing pier, and a 19th century fort. The bill is an unprecedented and devastating assault on the national wilderness preservation system that the Congress has created for the benefit of all Americans and supposedly for all time. It suggests that this great American legacy hangs by the thinnest of threads, about to be undone by the self-serving interests of a few.

We do not challenge the rights of those families who sold their land to become part of the National Seashore, nor do we challenge the National Park Service's administrative responsibilities to maintain the historic structures in the wilderness, as long as they use the minimum tools necessary as provided for in the Wilderness Act of 1964. What we do challenge is the sacrifice of the unique experience of visiting the Cumberland Island wilderness for the rather common experience of driving to see some old buildings. The National Park Service should not be obligated to allow or provide vehicular access to every site on Cumberland, any more than they should provide vehicular access to the top of every peak in the Grand Tetons National Park.

The Cumberland Island wilderness created by Public Law 97-250 does not conflict with historic preservation. Most of Cumberland's buildings lie outside of the designated wilderness and potential wilderness. Their degradation was not a result of wilderness designation.

Yes, there are management challenges created by the retained rights held by life stakeholders, which will expire over time, and by the wilderness designation. These challenges were clearly recognized in the legislative history supporting Public Law 97-250. Also recognized in that legislative history is the evolution of the wilderness area as private retained rights were extinguished over time.

The National Park Service can meet these challenges under existing authorities. It does so in Mesa Verde, for example, where the public chooses to walk into the wilderness to view some of the historic Native American structures and artifacts.

Cumberland's unique wilderness experience will be gone if this bill is allowed to pass, and the national wilderness preservation system will be significantly weakened.

Thank you.

[The prepared statement of Mr. Neuhauser follows:]

PREPARED STATEMENT OF HANS NEUHAUSER, EXECUTIVE DIRECTOR,
GEORGIA ENVIRONMENTAL POLICY INSTITUTE, ATHENS, GA

INTRODUCTION

Thank you, Mr. Chairman, and thank you for the invitation to testify today on Senators Chambliss and Miller's bill (S. 1462) regarding Cumberland Island National Seashore.

I am Hans Neuhauser, Executive Director of the Georgia Environmental Policy Institute located in Athens, Georgia. My testimony is being presented on behalf of The Wilderness Society, Wilderness Watch, The Georgia Conservancy, National Park Conservation Association, Georgia Forest Watch and Wilderness Watch Georgia Chapter.

My familiarity with Cumberland Island began in the mid 1960s as a scientist studying the island's ecology for The University of Georgia and the National Park Service. I then became a citizen advocate for the establishment of the Cumberland Island National Seashore, assisting Congressman Stuckey in his promotion of the legislation that resulted in Public Law 92-536. Joining the staff of The Georgia Conservancy in 1972, I became actively involved in the planning for the future of the island as a National Seashore. In that role, I helped design and promote the Cumberland wilderness plan which eventually became law in 1982 (PL 97-250). I continue to be involved in discussions about the future of the National Seashore.

ORIGINS OF THE WILDERNESS PLAN

The wilderness plan for Cumberland Island evolved over more than a ten year period and included extensive public involvement along the way. There were public meetings, hearings, site visits, draft plans, revised draft plans and more site visits. The end product, the Cumberland Island Wilderness, was not casually arrived at.

In November 1971, prior to the establishment of Cumberland Island National Seashore (CINS) in October 1972 (PL 92-536), and without extensive knowledge of the island, George Hartzog, the Director of the National Park Service (NPS), advanced plans for the development of the entire island to accommodate an expected 10,000 visitors a day. He provided no indication that the NPS had even considered any part of the island as suitable for wilderness designation.

In 1973 and 1974, the Conservation Fund and The Georgia Conservancy conducted a follow-up study to the Fund's study, *National Parks for the Future* (1972). Teams¹ were formed to examine park access, carrying capacity, environmental education and natural area protection. The latter team concluded that much of the island could qualify for wilderness designation.

In 1976, the NPS's initial response was to the effect that after developments in the north, central and southern portions of Cumberland to accommodate thousands of visitors a day, the leftovers would be proposed for wilderness designation.

After consultation with members of the Georgia Conservancy and others, I developed an alternative wilderness plan which was then presented to the NPS and Representative Bo Ginn in 1977. At the request of President Carter, NPS Director Bill Whelan visited Cumberland on October 25, 1978 to resolve the two wilderness concepts: the "leftovers" plan and "the northern half of the island as wilderness" plan. He listened to island residents and other local stakeholders. He talked with visitors who were hiking in the proposed wilderness area. That afternoon, Director Whelan endorsed the new plan.

A BIPARTISAN CONSENSUS

The final plan for Cumberland's wilderness was a consensus plan that had bipartisan support. The Carter administration approved the plan. Congressman Ronald "Bo" Ginn (D-GA) introduced the bill (H.R. 4713) in the House on October 7, 1981 and promoted its approval by the House. The House bill was then shepherded through the Senate with the active support of both Senator Mack Mattingly (R-GA) and Senator Sam Nunn (D-GA). The measure was signed into law on September 8, 1982 by President Ronald Reagan.

¹ Team members were selected from a variety of stakeholder groups; they included the chairman of the Camden County Commission, the head of the Brunswick Pulp and Paper Company, a Professor from the University of Georgia, an environmental educator from the Savannah Science Museum and a former director of the U.S. Fish and Wildlife Service.

WILDERNESS FOR PEOPLE

The Cumberland Island Wilderness established in PL 97-250 creates four areas on the island with differing levels of public visitation. The first area between Dungeness and Sea Camp supports the highest levels of public use. People access the island here. The on-island visitor contact points are here. The majority of the island's historic features are here. The Sea Camp campground is here.

Adjacent to this high density use area are regions of medium public use. To the south, the area extends to the Jetty; to the north, the area extends to Stafford Beach and Hickory Hill.

These three regions of high and medium visitor use (plus Plum Orchard) encompass most of the island's visible historic features and many of its archaeological features. Representative examples of Cumberland's major natural communities are also here: the beach and dunes, the maritime forest, fresh water ponds and sloughs and salt marsh estuary.

North of Stafford to the tip of Long Point (and not including Plum Orchard) is the region of low density. It is this area that PL 97-250 identifies as Wilderness and Potential Wilderness Addition areas, the latter to be added to the National Wilderness Preservation System when they qualify.

It is in this low density area that a visitor will, when the retained rights expire, be able to have a wilderness experience where nature is dominant and where buildings, automobiles and roads do not intrude. Of course, the nature of the wilderness experience will be variable with each visitor. For me, the experience is exemplified as being on Cumberland's broad, white sandy beach, watching the sun rise seemingly out of the Atlantic Ocean. To your back is the Spanish moss-draped live oak forest sculpted by the salt spray of the surf. To the north and south, the beach stretches away and eventually disappears over the curvature of the earth without a house or gazebo or automobile or light to interrupt your reverie. The noises you hear are natural: the surf, the wind, the whoosh of the dolphin, the mew of the gull, the territorial imperative of the woodpecker. This is a place of great spiritual value, a place for re-creation as well as recreation. It is a magical place, its beauty inspirational. Nowhere else in the world will a person a citizen without special connections or wealth be able to have the wilderness experience of the type offered by Cumberland. The wilderness experience is unique.²

Those involved in crafting the Cumberland Island Wilderness recognized that over time, the intrusions of the retained rights holders would diminish and eventually come to an end.

IMPACTS OF THE PROPOSED LEGISLATION

Senate bill 1462 proposes seemingly innocuous adjustments to the boundary of the Cumberland Wilderness. The true impact of the proposal is to return Cumberland's wilderness to the "leftovers" proposed by the NPS in 1976 and by so doing, eliminate the American public's opportunity in the not-too-distant future to have a wilderness experience on Cumberland. The bill will permanently do away with what is most special about Cumberland. It will do away with the best that Cumberland has to offer, and that no other barrier island does better.

In the map accompanying Senate Bill 1462, the use of the north end of Cumberland is to be changed from "Potential Wilderness Addition" to "historic district." A new region of high visitor use will be established in the area between Terrapin Point on the west and Lake Whitney and the beach to the east. This high use area will be connected permanently to the southern high use area by two high use corridors: the Main Road and the beach. The high density region will sprawl into a medium density area, further encroaching on the wilderness. The result will be the virtual elimination of the unique wilderness experience.

Other consequences include the degradation of the primitive backcountry campsites at Brickhill Bluff and Lake Whitney. It also opens the door for the NPS to widen the Main Road from one lane (about 10 feet wide now) to two lanes (21 feet) to accommodate both private and public tours.

Another "slight-of-hand" feature of S. 1462 is the trade-off loss of the north end wilderness and the addition of wilderness south of Dungeness. These two areas may be close to being of equal acreage, thus satisfying a "no net loss" of wilderness. But the two areas are in no way equal in terms of wilderness value, where nature is dominant and man comes as a visitor. The proposed south end wilderness is mostly marsh and much of it is inaccessible to visitors. The intrusions of man are also far

²There are other barrier island wilderness areas in the National Park Service but their natural communities—and thus the experience of visiting them—are very different from Cumberland's.

more evident, with three paper mills, the container cranes of a nearby port, two mile-long rock jetties and other features clearly visible.

CHANGING THE PURPOSE OF CUMBERLAND ISLAND

The law establishing Cumberland Island National Seashore is unusual for National Park enabling legislation in that the protection of the island's natural resources are paramount:

. . . the seashore shall be permanently preserved in its primitive state, and no development . . . shall be undertaken which would be incompatible with the preservation of the unique flora or fauna or the physiographic conditions now prevailing . . . (Section 6b of PL 92-536).

S. 1462 seeks to amend this to make concession tours³ supersede the "permanently preserved" mandate. By so doing, the primary purpose of Cumberland becomes concession tours and not preservation of the island's primitive state. Who benefits from this and who loses from this change?

RECOGNITION OF RETAINED RIGHTS

The enabling legislation for both the Cumberland Island National Seashore and the Cumberland Island Wilderness recognize the legitimate rights of the individuals and their descendants who sold their land to the U.S. Government to become part of the National Seashore, and who received life estate agreements with the National Park Foundation and the National Park Service. These legitimate retained rights are specific and are defined in the deeds of record. The NPS is legally bound to respect these rights.

To my knowledge, no wilderness advocate, then or now, seeks to restrict the legitimate retained rights contained in the deeds. The temporary intrusions in the wilderness experience, to terminate with the end of the retained rights agreements, were seen as part of the price the public had to pay in order to create that wilderness experience.

What is of concern is both the expansion of those rights beyond those already held and the establishment of the new rights as permanent, as created in S. 1462.

HISTORIC STRUCTURES IN THE NORTH END

There are historic structures on the north end of Cumberland. On that issue we have no quarrel with historic preservation. Nor is the argument over whether the structures can be maintained. To the extent that the NPS needs access to these structures for its administrative responsibilities, it can do so as it does historic structures elsewhere in the wilderness areas of the National Park System, or as the Forest Service, U.S. Fish and Wildlife Service and Bureau of Land Management do with respect to wildernesses they administer. Throughout the Wilderness System, agencies typically access such structures by non-motorized means. If motorized access is necessary, the Wilderness Act already provides for it if such access is the minimum required for administration of the area for the purpose of that Act. It should be noted that Cumberland's relatively small size and flat terrain make the structures on the north end much more accessible than many of the structures the Park Service routinely accesses by primitive means throughout the park system.

Regarding vehicular access by commercial vehicle, the issue is what is more important: providing a unique wilderness experience to the general public or allowing commercial tours? The National Park Service should not be obligated to allow vehicular access to every site on the island just as it is not obligated to provide vehicular access to the top of every peak in the Grand Tetons National Park or to Mount LeConte in the Great Smokies or to Native American dwellings in Zion National Park. Because almost all of the visible historic structures on Cumberland are located outside of the designated Wilderness and Potential Wilderness additions, visitors can easily access them. Visitors can visit the publicly-owned structures at the north end now with a commitment of time and effort.

WILDERNESS PRESERVATION SYSTEM

The National Wilderness Preservation System was established to preserve the remnants of wild America in their natural condition. It is a legacy for all Americans, those alive today as well as the untold generations not yet born. Survey after survey have shown that one of the greatest benefits the American people derive from our Wilderness System, including the vast majority of Americans who may never visit

³Strangely, the bill does not authorize the NPS to run its own tours.

a Wilderness area, is the knowledge that these areas have been set aside in perpetuity, that they will remain inviolate as time marches on. S. 1462 is an unprecedented and devastating assault on this ideal. It suggests that this great American legacy hangs by the thinnest of threads, that the self-centered demands of a single private interest or handful of local residents can undo what the U.S. Congress has done for the benefit of all Americans and, supposedly, for all time. S. 1462 is a bad bill that deserves no one's support.

IN CONCLUSION

This bill is not an innocuous re-adjustment of Cumberland's wilderness boundary. It changes the overriding purpose of the Seashore the provision of commercial tours of the entire length and breadth of the island, making them more important than "the permanent protection of the island in its primitive state" as called for in the 1972 legislation establishing the Cumberland Island National Seashore. The bill relegates the wilderness to virtually inaccessible leftovers after the development of Cumberland for the convenience of visitors. Cumberland's unique wilderness experience will be gone if this bill is allowed to become law.

Thank you for the opportunity to testify. I will be please to respond to any questions you may have.

Senator THOMAS. Thank you, sir.
Mr. McKeon.

STATEMENT OF SEAN McKEON, EXECUTIVE DIRECTOR, THE NORTHEAST REGIONAL FOREST FOUNDATION, BRATTLEBORO, VT

Mr. McKEON. My name is Sean McKeon, and I'm the executive director of the Northeast Regional Forest Foundation, in Brattleboro, Vermont, and I'd like to thank you, Mr. Chairman, for this opportunity to present this testimony.

There are a lot of documents that I've sent down, and they, I hope, will be included in the record also with this testimony.

The Northeast Regional Forest Foundation is a nonprofit education and conservation organization dedicated to promoting the wise use of natural resources in a free-market economy. Our directors include private consulting foresters who manage more than 60,000 acres of mostly private forest land, and almost all of that is in the Connecticut River Valley region. They have more than 50 years experience working in the forest-products industry, as well as more than 25 years experience working to educate the public through outreaches such as Vermont teachers tours, booths at the Champlain Valley Fair, Maine, teachers tours, legislative tours, public outreach in schools at all levels, from grammar school through high school, college, and also graduate school. They work with New England organizations across the region.

Our directors have testified on a wide range of issues in Vermont and neighboring States, and have been invited to speak at the United Nations Academic Council on United Nations in Mexico City, in the summer of 2000.

Our own media task, as a foundation, is to highlight the connection between America's stand of living, which we believe is the finest in the world, and the proper and sustainable utilization of our natural resources. Our foresters are both green-certified through the FSC program, and also SFI-certified through the Sustainable Forestry Initiative Program. We believe that the private sector is most able to meet the growing demands for natural resources, while at the same time protect the environment and the rural communities that produce the goods desired by the American people.

Government, for all of its good intentions, cannot adequately address the problems and concerns of the local citizens, as well as those citizens, themselves. To a large extent, organizations that rely on government money, particularly Federal money, to promote their agendas and their prescription for largely private lands, operate in a vacuum, and they tend to alienate rather than bring together competing interests with respect to land-use decisions. The recent Champion Lands issue in Vermont is a case in point, and I have included a statement from our organization about how that played out.

For me, Mr. Chairman, the most troubling aspect of S. 1433—and on this, I would concur with Mr. Jones, from the Park Service, who just testified—is that it sets a precedent with respect to Heritage River sites, in our view. It's our understanding that the Heritage River designations are honorary, and they're not supposed to be including appropriations of money, particularly for the potential of land acquisition, in these type of grants that can go to any number of organizations.

If this bill passes, with an annual appropriation of a million dollars specifically for the Connecticut River, we believe it will open up the floodgates for requests of this committee to allocate funds for every single Heritage River designation in the country. And I believe, at last count, there were 14, although I think there may be something pending or being added as we speak.

The enormous costs associated with setting a precedent here will exacerbate the current problems associated with river stewardship and make it more difficult for State and local governments to decide how best to protect and enhance their rivers and communities.

In our opinion, the consideration of this bill is an excellent opportunity for this committee, the Senate, and the House to investigate how much money has already been spent on river conservation efforts, what have been the results of those efforts so far, and how many Federal agencies are already charged with river protection and monitoring, a detailed accounting of the duplication of efforts by Federal, State, and local agencies. Rather than throwing good money after bad, this bill highlights the need for a proper accounting of past and current expenditures before any new money is authorized to be distributed to organizations that have no mandate or authority to do many of the things that they are attempting to do.

Of course, we will hear, from those that are supporting this bill, the need for conservation along our most precious river systems, how worthy and vital this effort is in safeguarding our river and valley resources, and we would not argue with the work that they do. Those are good goals, and we would not argue at all with that.

But I think the essential questions for this committee with respect to S. 1433 are not whether we should conserve our vital God-given resources—all of us who live and work in this area believe that we should be preserving the environment and be good stewards—but what has already happened to the money that's been dedicated to this effort so far? And, second, what are the unintended consequences of establishing this precedent of annual appropriations of a million dollars or more, with no end in sight, without answering these questions first? Redirecting money to

these types of organizations for these purposes will only serve to prevent real conservation efforts by agencies already charged to do so and, more important, discourage private efforts that a notable history of success.

And I have just a couple more sentences, if that's all right, Mr. Chairman.

My conversations with organizations and individuals in both New Hampshire and Vermont highlight the concern that they have about this bill and other pieces of legislation that directly impact our way of life in that area and our ability to conduct business in a reasonable manner. I've spoken with Vermont Traditions Coalition, Coalition of Sportsmen, including hunters, trappers, anglers, snowmobile clubs, motorized recreational organizations, Associated Industries of Vermont, the largest manufacturing organization in the State of Vermont, Vermont Farm Bureau, Vermont Forest Products Association, Vermont Forestry Foundation, the New Hampshire Timberland Owners Association, various manufacturing companies up and down that region, and all of them are concerned that once again their tax dollars are going to be used against them, when there's already myriad organizations, in duplication, charged with these tasks.

And the rest of my remarks, I will include in the record.

Thank you, Mr. Chairman.

[The prepared statement of Mr. McKeon follows:]

PREPARED STATEMENT OF SEAN MCKEON, EXECUTIVE DIRECTOR,
THE NORTHEAST REGIONAL FOREST FOUNDATION, BRATTLEBORO, VT

My name is Sean McKeon; I am the executive director of the Northeast Regional Forest Foundation in Brattleboro, Vermont. Thank you, Mr. Chairman, for this opportunity to testify on the proposed bill, S. 1433. There are several source documents that I will reference today which I will make available to the committee for inclusion in the record.

The Northeast Regional Forest Foundation is a non-profit education and conservation organization dedicated to promoting the wise-use of natural resources in a free-market economy. Our directors include private consulting foresters who manage more than 60,000 acres of private forestland—mostly in the Connecticut River Valley region, who have more than 50 years experience working in the forest products industry as well as more than 25 years experience working to educate the public through outreaches such as Vermont Teacher's conventions, Champlain Valley Fair, Maine Teacher's Tours, legislative tours, public outreach in schools, (at all levels including college/graduate) working with organizations across the New England region on issues that affect the natural resource based communities. Our directors have testified on a wide range of issues in Vermont and neighboring states and have been invited to speak at the United Nations Academic Council on United Nations Systems in Mexico City in the summer of 2000. Our immediate task is to highlight the connection between America's standard of living (the finest in the world) and the proper and sustainable utilization of our natural resources. Our foresters are both "Green" certified through the Forest Stewardship Council's FSC program and the Sustainable Forestry Initiative (SFI) program.

We believe that the private sector is most able to meet the growing demands for natural resources while at the same time protect the environment and the rural communities that produce the goods desired by the American people. Government, for all of its good intentions, cannot adequately address the problems and concerns of the local citizens as well as those citizens themselves. To a large extent, organizations that rely on government money (particularly federal money) to promote their agenda and prescription for largely private lands operate in a vacuum and tend to alienate rather than bring together competing interests with respect to land-use decisions. The recent Champion Lands issue in Vermont is a case in point. (See Foundation statement on Champion Lands)

The most troubling aspect of S. 1433, Mr. Chairman, is that it sets a president with respect to Heritage River sites. It is our understanding that the Heritage River

designation is an honorary designation that is not supposed to include appropriations of money, particularly for land acquisition. If this bill passes with an annual appropriation of \$1,000,000 for the Connecticut River, it will open the floodgates for requests of this committee to allocate funds for every Heritage River designation in the country, and I believe there are 14 such river designations at last count. The enormous costs associated with setting a precedent here will exacerbate the current problems associated with river stewardship and make it more difficult for state and local governments to decide how best to protect and enhance their rivers and communities.

The consideration of this bill is an excellent opportunity for this committee, the Senate and the House to launch an investigation into how much money has already been spent on river conservation efforts, what have been the results of those efforts, how many federal agencies are already charged with river protection and monitoring, and a detailed accounting of duplication of efforts by federal, state and local agencies. Rather than throwing good money after bad, this bill highlights the need for a proper accounting of past and current expenditures before any new money is authorized to be distributed to organizations that have no mandate, or authority to do many of the things they are attempting to do.

We will hear from those pushing this bill about the need for conservation along our most precious river systems, and how worthy and vital this effort is in safeguarding our river valley resources. But, the essential questions for this committee with respect to S. 1433 are not whether we should conserve our vital, God-given natural resources, (all of us who live and work in the natural environment believe in conservation and in being good stewards), but what has happened to the money already dedicated to this effort and what have been the results? And second, what are the unintended consequences of establishing this precedent of annual appropriations for the Heritage River program? Without answering these questions first, redirecting money to NGO's such as the Joint Commission and its allies will only serve to prevent real conservation efforts by agencies already charged to do so, and more important, discourage private efforts that have a notable history of success.

My conversations with organizations and individuals in both Vermont and New Hampshire highlight the concern that many have about this bill and other pieces of legislation that directly impact our way of life and our ability to conduct business in a reasonable manner without undue regulations and burdens. All of those I have spoken to, Vermont Traditions Coalition (Coalition of sportsmen including hunters trappers and anglers), Vermont Farm Bureau, Vermont Forest Products Association, Vermont Forestry Foundation, New Hampshire Timberland Owners Association, and various manufacturing companies along the entire stretch of the Connecticut River Valley, agree that this bill is unnecessary and potentially dangerous as it changes the region's land-use ethic from one where private ownership is foundational to stewardship to one where unelected and accountable individuals seek to control heretofore private property through a maze of quasi-government organizations and "ad-hoc" committees and groups. Many of the people I have spoken with are concerned that, once again, their own tax dollars are being used against them and the interests of their businesses and families. (I ask that the text of my full remarks be included in the record)

As mentioned above, S. 1433 is not only duplicative of already existing programs and is, therefore, unnecessary, but will also reroute money that could be used by state and federal agencies for legitimate conservation efforts to organizations that have no authorization or legal right to dictate land use policy along the Connecticut River Valley. Money could be better-utilized funding local Natural Resource Conservation Districts, the Resource Conservation and Development Councils, filling gaps in the funding of federal programs in the Vermont and New Hampshire Agencies of Natural Resources, and federal programs in both states' Departments of Agriculture; programs and agencies created to achieve the stated purposes of this bill. There are so many on-the-ground projects that need funding, projects that will help sustain both the economy of our region and the ecology; Congress should look to fund those projects before it pours more money down the black hole of efforts such as this one.

Fiscal restraint at the federal level is crucial with a deficit approaching half a trillion dollars. Priorities need to be set and it's hard to imagine that enlarging the scope, power and bureaucracy of the Commission and their political allies rises above the already staggering demands on the taxpayers of this country to fund education, healthcare, security and infrastructure to name a few. At a time when many political leaders in our country, including many on this committee, are calling for cost containment measures up and down the scope of government, it seems axiomatic that this type of federal expense should be far down on the priority list of

programs funded with taxpayer money, since as has already been mentioned, the precedent set here will be duplicated across the country.

Currently, there are more than 100 federal programs in eight different Cabinet-level departments and agencies charged with protecting rivers, rejuvenating the areas that surround them and stimulating economic growth. This number does not include state and local efforts, which add to the layers of bureaucracy and inefficiency. (For the record I would like to include a Heritage Foundation “Backgrounder” entitled “Navigating the American Heritage Rivers Initiative: Wasting Resources on Bureaucracy.”) Congress should take a closer look at these programs and ask the GOA to determine how much money is being spent by federal agencies on programs that are redundant or ineffective, before it allocates additional funds to support bills such as S. 1433.

According to the language of the bill, S. 1433 will “effectuate certain recommendations of the Connecticut River Corridor Management Plan” which, according to the Plan include; “a healthy ecosystem with *no degradation as a consequence of human activity*”; “river shores and flood plains remain *forever undeveloped*”; “primary agriculture lands remain *permanently secure from development*”; “that a sustainable economy is developed in a *manner that does no harm to our river*”; “a single 7-mile natural section for non-motorized boating”; “*gives the authority and responsibility for river protection, planning and permit reviews to the New Hampshire Connecticut River Valley Resource Commission of the CRJC [Connecticut Rivers Joint Commission] and the five local subcommittees.*” (Emphasis mine) This last item is particularly troubling since it posits the notion that an unelected and unaccountable organization will enforce its agenda and policies on landowners and communities along the Connecticut River Valley. This despite the fact that the Management Plan also states, “Both commissions are advisory and have no regulatory powers, preferring instead to advocate and ensure public involvement in decisions that affect the river and its valley.” (Connecticut River Corridor Management Plan Riverwide Part One.) The language used here; “no degradation,” “permanently secure from development”, etc. invites the possibility of future, costly litigation when the Commission or one of its tentacle organizations decides a landowner is violating one of these “recommendations.”

Another troubling aspect of the proposed bill is that while it purports to be inclusive in terms of participation and input about the direction that conservation efforts should take in Vermont and New Hampshire, in reality the Connecticut River Joint Commissions represents a small fraction of so-called stakeholders, mostly organizations with a bias against traditional uses of the land such as forestry and certain recreational uses. Notably absent from the long list of recipients of grants the past two years are organizations that deal directly with forestry interests or sportsmen’s organizations. (See list of grants for the record) Also, there is precious little time spent in the material from the Joint Commissions or in the Management Plan document dealing with the fact that most of the land in question is private land. There are myriad organizations representing private interests, and none of them seem to find their way onto the preferred list of organizations worthy of support. This is a most glaring paradox, in that while this bill calls for the protection of this natural heritage site, it neglects to point out in any meaningful way the contributions and importance of private ownership to conservation. Private conservation is an asset to the American taxpayers, not a liability.

If this river valley is deemed worthy of this elaborate and expensive conservation effort, and all of the efforts to date, it is because those charged with its stewardship, the private landowners, have done an excellent job of conserving the land that they own. The private property mosaic that makes up much of the area in question is a fact no one can argue with. For example, voluntary programs such as Vermont’s AMP’s (Acceptable Management Practices) and New Hampshire’s BMT’s (Best Management Practices) are documented success stories. In fact, both New Hampshire and Vermont have excellent programs sponsored by their respective forestry and farm organizations that deal with landowner education and the principles of sustainability, including water resource issues along the river.

This bill highlights the Congressional designation of the upper Connecticut River watershed as part of the Silvio O. Conte National Fish and Wildlife Refuge, but does not mention the concern and or opposition of farming organizations in surrounding states. According to the American Farmland Trust’s document entitled “Dialogues with Agriculture,” the “Massachusetts Farm Bureau was concerned that refuge lands (Silvio Conte) would increase crop damage on neighboring properties. The organization also was concerned about the effect of land acquisition on the local tax base.” Vermont’s Farm Bureau Policy (2003) 43 states in part, “VFB believes that the designation of the entire Connecticut River Watershed as the Silvio Conte Na-

tional Refuge has serious implications for farming and forestry. We support efforts that would:

- 1) Remove farm and forest land from the refuge.
- 2) Address the concerns of landowners and private property owners.
- 3) Protect agricultural and forestry operations in the watershed from adverse impacts of refuge activities.

Vermont Farm Bureau Policy (2003) 17 states, "VFB opposes the Conservation and Reinvestment Act (CARA) or any similar acts and recognizes that private ownership of property is the foundation of a prosperous economy and a free society. VFB opposes expanded government ownership of working rural lands because of the threat to the resource base of the farm and forest industries, the threat to the tax base of many rural communities and in some cases, the threat to the survival of rural communities."

Two other aspects of S. 1433 and its effects on the tax base are noteworthy here. First, large acquisitions of land (either fee-simple or the purchase of conservation easements) by either federal agencies or non-profits exacerbate the economic distortions of increasing tax-free or reduced tax paying property over tax paying property. According to the recent World Bank paper on ad valorem taxes this is exactly the wrong direction to go with respect to emerging and struggling economies, and be assured, Mr. Chairman, the economies in this region are struggling. The World Bank recommends government agencies and non-profits should submit their land to appraisal by local listing agencies, and should pay full ad valorem market based taxes for everything except uses such as schools, municipal offices, etc. (World Bank, Reform Toward Ad Valorem Property Taxes in Transition Economies, June 2000.) With nearly \$3,000,000,000 valuation excluded from taxation in Vermont alone, the distortion imposed on private tax rates is very aggressive. Add to this valuation problem a proposal such as H.R. 7 in the House, (which would give landowners a 50% reduction in capital gains taxes if he sells to a non-profit or government agency) and the fact that this bill proposes \$1,000,000 a year for potentially more land acquisition, and private conservation efforts will grind to a halt. Even without HR7, \$1,000,000 a year for acquisition is a lot of money and sets a dangerous precedent for other Heritage River sites across the country.

In short, this proposed piece of legislation is totally unnecessary and will create an enormous drain on the already scarce resources of our federal agencies. The stated goal of the Connecticut River Joint Commissions, as stated in the Connecticut River Corridor Management Plan is to, "assure responsible economic development and sound environmental protection." How they plan to "assure" those goals is a question causing much concern. Further, as we have already seen there are myriad federal and state agencies charged with this task and adding an additional layer of bureaucracy and expense is not prudent when many questions remain about the current situation regarding river stewardship and conservation efforts at the state, local and federal level.

Many organizations and individuals who live and work in the Connecticut River Valley are wondering why they are constantly faced with new and well-financed threats to their livelihoods and way of life. Remember, S. 1433 is one of many pieces of legislation (proposed or passed) that seeks to direct money to organizations that see the eventuality of mandatory regulations as the only way to gain what they cannot gain at the ballot box, de facto control of all activities on private land stretching from Connecticut to Canada.

In a brief conversation I had with Sharon Francis from the Connecticut Rivers Joint Commission about this bill, she told me that in 14 years of work she has never had anyone opposed to the work that she and her group propose. In all due respect to Ms. Francis, it is long past time that this Congress, particularly in light of its overwhelming responsibility and commitment to the security and safety of our fellow Americans, says "no" to this type of spending scheme and allows the citizens of Vermont and New Hampshire to address the issues raised here amongst themselves and with input from all affected parties.

Thank you for this opportunity to testify against S. 1433. I will provide the committee with all relevant material referenced here today.

Senator THOMAS. Thank you very much. I appreciate it.
Ms. Francis.

**STATEMENT OF SHARON F. FRANCIS, EXECUTIVE DIRECTOR,
CONNECTICUT RIVER JOINT COMMISSIONS**

Ms. FRANCIS. Thank you very much, Senator Thomas and Senator Akaka. It's a pleasure to be here with you.

I am Sharon Francis. I'm the executive director of the Connecticut River Joint Commissions, and I advocate the measure, S. 1433, and would like to share with you why.

And, first of all, however, I'd like to give you a little description of the area that we're talking about so you can begin to get a feel for the Connecticut River of New Hampshire and Vermont.

This is the preeminent argument that while the river legally belongs to New Hampshire, well over half of its watershed lies within Vermont and comprises two-fifths of that State, as well as a full third of neighboring New Hampshire. The river is a living thread that binds together the people of both States in one valley.

The upper Connecticut River is what you would consider authentic New England, of small towns, expansive farmlands and forests, with a river that flows free in some sections and is harnessed by dams to provide power in others. It's a place where fishermen find some of the best wild trout fishing in this whole country, and where valiant efforts are slowly bringing back the great migratory Atlantic salmon. The soils are the finest ag soils in the Northeast. Tourists marvel over the white steeped churches, the town greens, handsome brick mill buildings that are now finding new uses in the 21st century. Cooperation across the river is a way of life for people who live in the valley but frequently have jobs, family, or schooling on the other side of the river.

This common geographic heritage took new form in the late 1980's, when valley residents on both sides of the river lobbied their State legislatures for a pair of commissions to work together to preserve and protect the valley's resources and guide growth and development. Both legislatures responded affirmatively, and the result is our Connecticut River Joint Commissions that, for the last 14 years, has fostered a unique approach to bi-State cooperation and local empowerment. Both commissions are advisory and have no regulatory authority, nor would they want to be, preferring instead to educate and empower local stewardship and leadership.

Additionally, the legislatures authorized the commissions to form bi-State local river subcommittees comprised of people of diverse backgrounds, all of whom are nominated by the select boards or sitting councils of their riverfront towns. This network of unified commissions and five unified bi-State local river advisory committees has provided a set of forceful quorums for developing initiatives and addressing issues and opportunities.

One of our first initiatives was to create the Connecticut River Partnership, a program of small grants that is at the heart of our work . . . empowerment of local talent, and leadership, and our success. Each year, we ask for proposals of local projects aimed at implementing the Connecticut River Corridor Management Plan and the Connecticut River Scenic Byway Plan. We pick good projects and good people, and our trust in them has been more than repaid by their accomplishments.

In our formal statement, there is appended a list of partnership projects last year. Multiply that by 14, and you begin to see some

of the variety and the stimulation that these small grants has provided.

The unifying agenda for partnership projects comes from the Connecticut River Corridor Management Plan and the Scenic Byway Plan. We did not go to planning consultants or professional planners to do a management plan for this river corridor. Rather, we went to our own commissioners and local river subcommittee members. And I stress, these are farmers, foresters, business people, people who work and live, and the teachers involved day-to-day for their livelihood in the river valley, with its natural resources.

It took 4 years of discussion and consensus-building, but those local representatives are the people who wrote the six-volume plan for the river. State and Federal agencies have been very supportive in addressing its recommendations, because they know that plan is well-rooted in local opinion and knowledge of the river.

Working with an array of partners that includes local historical societies and chambers of commerce, we facilitated a Scenic Byway Plan that unifies heritage preservation and tourism promotion along more than 500 miles of roadway on both sides of the river. It was in recognition of the citizen-written Connecticut River Corridor Management Plan, with its many common-sense recommendations—should I break off?

Senator THOMAS. Yes, if you could conclude, please. You've exceeded your 5 minutes.

Ms. FRANCIS. Pardon?

Senator THOMAS. Yes, if you could wind up, yes. You've exceeded the five minutes.

Ms. FRANCIS. All right.

The partnership is a gem of a public program. It's proven a success. But it has always relied on Federal support that has come each year only as a result of the goodwill of members of the Senate Appropriations Committee. Senators Judd Gregg and Patrick Leahy have been good friends of the partnership, and they believe it is time to secure a more permanent authorization. The State legislatures of New Hampshire and Vermont think so, too, and both have passed resolutions calling on Congress to establish a program on a permanent basis.

Our geographical area is bi-State. We need Federal authorization for our interstates. Federal agencies—

Senator THOMAS. All right, thank you very much. We will include all of your statement in the record. Thank you very much.

Ms. FRANCIS. Thank you.

[The prepared statement of Ms. Francis follows:]

PREPARED STATEMENT OF SHARON F. FRANCIS, EXECUTIVE DIRECTOR,
CONNECTICUT RIVER JOINT COMMISSIONS

Mr. Chairman, Members of the Subcommittee: Thank you for the opportunity to testify of S. 1433, a measure we strongly support. This statement will provide the context of our unique bi-state watershed, and the unique partnerships that have led to the introduction of S. 1433.

DESCRIPTION OF THE UPPER CONNECTICUT RIVER WATERSHED

For 275 miles, the Connecticut River flows from the Canadian border southward between the adjacent states of Vermont and New Hampshire. While royal decree gave the river to colonial New Hampshire in the seventeenth century, well over half of its 4.5 million acre upper watershed lies within Vermont, and comprises two

fifths of that state, as well as a full third of neighboring New Hampshire. The river is a living thread that binds together the people of both states in one valley.

The Upper Connecticut River Valley is the authentic "New England" of small towns, expansive farmlands and forests, with a river that flows free in some sections and is harnessed by dams to provide peaking hydroelectric power in others. It's a place where fishermen find some of the best wild trout fishing in the entire country, and where valiant efforts are slowly bringing back the great migratory Atlantic salmon. Tourists marvel over the white steeped churches, town greens, and handsome brick mill buildings that are now finding new uses in the 21st Century. There are 169 towns in the bi-state watershed, and the largest of these has only 20,000 people. Most communities are under 2,000 in population. People govern themselves at town meetings where once a year they decide the town's business and budget.

Cooperation across the river is a way of life for people who live in the valley but frequently have jobs, family, or schooling on the other side of the river. Thirty bridges tie Vermont and New Hampshire. Two hundred plus years ago, people in communities along the river tried to form their own state, but the states of New Hampshire and New York, plus President George Washington, had different ideas, and the result was a new state of Vermont that ended at the river's edge. The unity of people in the bi-state river valley has, however, never ceased.

THE CONNECTICUT RIVER JOINT COMMISSIONS

This common geographic heritage took new form in the late 1980s when valley residents on both sides of the river lobbied their state legislatures for a pair of commissions to work together to preserve and protect the valley's resources and guide growth and development. Both legislatures responded affirmatively, and the result is the Connecticut River Joint Commissions, that for the last fourteen years has fostered a unique approach to bi-state cooperation and local empowerment. Both Commissions are advisory and have no regulatory authority, preferring instead to educate and empower local stewardship and leadership.

There are thirty river commissioners, fifteen from each state, appointed by their state's governor. The volunteer Commissioners are business people, landowners, local officials, conservationists and other citizen leaders who live and work in the valley and are committed to its future.

Additionally, the two legislatures authorized the Commissions to form bi-state local river advisory committees, comprised of people of diverse backgrounds all of whom are nominated by the selectboards or city councils of their river front towns. This network of unified Commissions and five unified bi-state local river advisory committees has provided a set of forceful forums for developing new initiatives and addressing issues and opportunities along 275 miles of river.

THE CONNECTICUT RIVER JOINT COMMISSIONS' TIMELY AND UNIQUE FOCUS

The Commissions have approached their legislative charge by carefully focused exploration of how to be good neighbors to a great river. We consider ourselves students of the river, and as we learn, we share our findings widely through our newsletters, fact sheets, and other publications. We are also students of our valley's history.

Back in 1968, the Department of the Interior's Bureau of Outdoor Recreation proposed a national recreation area along the Connecticut River. The concept was considered enlightened for the times, in that it proposed a few small federal recreation areas at key sites along the river, supplemented by an array of state and local parks and trails with the purpose of safeguarding significant natural and cultural sites, and providing for public enjoyment. The proposal met a din of opposition, however, and the dire threat of a federal greening of local property is recalled by some even today, thirty five years later.

This opposition to a federal recreation plan did not mean that people along the river were opposed to conservation and outdoor recreation. To the contrary, they already engaged in excellent conservation practices out of enlightened self interest, and outdoor recreation was a central element of their lifestyle. The adverse reaction was to the threat of an outside entity enforcing conformity and limiting the use of private property.

After the NH and VT Connecticut River Joint Commissions were established, we were approached by the Rivers and Trails Conservation Assistance program of the National Park Service, offering to help. Their professional staff aided us for several years, but ultimately, we outgrew the relationship. They relied on deploying their professional staff to assist sponsors in doing projects. We realized that very high skill levels already existed in valley communities for planning and building trails,

restoring historic properties, conducting water quality monitoring, or a myriad of other conservation endeavors.

THE CONNECTICUT RIVER PARTNERSHIP PROGRAM

Instead, we created the Connecticut River Partnership, a program of small grants that is at the heart of our work, our empowerment of local talent and leadership, and our success. The Connecticut River Joint Commissions have deliberately kept the Partnership from becoming bureaucratic. Each year, we ask for a three page proposal. A selection committee of commissioners reviews the packet of applications, ranks them, and meets together for a day to select the awardees, based on objective criteria and the proposal's relevance to implementing the *Connecticut River Corridor Management Plan* and the *Connecticut River Scenic Byway Plan*.

From 1992 through 2003, we have awarded \$1.5 million in grants of federal funds for local projects, and this investment has been matched ten-fold, even though no local match was required. We pick good projects and good people, and our trust in them has been more than repaid by their accomplishments.

The success of our Partnership program rests on a few important principles:

1. Communities and organizations in the Connecticut River Valley have the savvy and determination to preserve their environment, restore natural habitat, save historic sites, build recreational trails or new access to the river, or invest in tourism infrastructure.
2. They don't need a well-meaning distant government telling them what to do.
3. They do, however, need seed money as incentive for transforming their plans into reality and for gathering local partners to help carry out their goals.

A summary of recent awards is appended to this statement.

THE CONNECTICUT RIVER CORRIDOR MANAGEMENT PLAN AND SCENIC BYWAY PLAN

The unifying agenda for all partnership projects comes from the *Connecticut River Corridor Management Plan* and the *Scenic Byway Plan*. The Connecticut River Joint Commissions did not go to planning consultants or professional planners to do a management plan for the river corridor; rather we went to our local river subcommittees whose members had been appointed by local selectboards and town councils. To them we put the hard questions: How can nonpoint pollution be curbed in a rural, agricultural region? What kind of habitat is important and why? How does economic prosperity relate to the natural resources of the valley? What is a healthy relationship between our architectural and cultural heritage, and our desired future? It took four years of discussion and consensus-building, but those local representatives are the people who wrote the six volume plan for the river. State and federal agencies have been very supportive in addressing its recommendations because they know the plan is well rooted in local opinion and knowledge of the river.

The *Corridor Plan* emphasized the importance of heritage tourism as an avenue for new economic development and a way to galvanize local action to safeguard and interpret our rich heritage of historic asset—covered bridges, brick mill buildings, historic downtowns, one room schoolhouses, stone walls, old barns—the fabric of a working landscape that has served its owners and communities for over 200 years. Working with an array of partners, from local historical societies to chambers of commerce to land trusts, the Connecticut River Joint Commissions facilitated a *Scenic Byway Plan* that unifies heritage preservation and tourism promotion along more than 500 miles of roadway on both sides of the river.

One of our subsidiary projects is the Connecticut River Byway Council that is bringing the Byway to life through a website, www.ctrivertravel.net; a map and brochure, ten new interpretive centers in communities along the Byway, exhibits in the centers, and a plan for signage that will aid visitors in finding their way to the interpretive centers and along the Byway. Visitors from Missouri, California, Pennsylvania, and everywhere else are discovering the rich historic and architectural heritage of New England along the Connecticut River Byway.

AMERICAN HERITAGE RIVER

In recognition of the citizen-written *Connecticut River Corridor Management Plan* with its many common sense recommendations, as well as the Joint Commissions' leadership in galvanizing widespread stewardship in the upper Connecticut River Valley, our river was selected as one of only fourteen American Heritage Rivers in 1998. This honor has stimulated new pride in hundreds of people working for the

river, has brought us into partnership with several federal agencies, and has enabled us to expand the technical assistance we provide for addressing river issues.

RIVERBANK RESTORATION

The most prevalent problem facing riverfront land owners, not to mention people who fish and depend on water quality, is erosion of unstable riverbanks that break off and send torrents of sediment into the river. Through the Partnership Program, we have supported the county natural resource conservation districts in completing inventories of the entire length of the river in our two states, which amounts to hundreds of erosion sites. Some of these lend themselves to restoration. Many do not because of the inherent patterns of river dynamics in that area.

The Connecticut River Joint Commissions convened technical advisors from federal and state agencies to review the erosion site inventories, and identify sites that were good candidates for restoration. This analysis took many months, but ultimately three top priority sites were selected and have been restored. The dedication ceremony for the third site will take place in a few days, on November 14th. This site was especially tricky to work on. Not only were there Native American artifacts in the bank which could not be disturbed, but also a federally-endangered species of mussel was found on the river bottom immediately adjacent to the site. With legally enforceable "thou shalt not disturb" mandates on both sides, we had to tread a thin line, and did so thanks to the creativity of our design engineer and of the contractor who did the work. A critical component of our work is finding the expertise to address river challenges admirably and successfully.

SCENIC BYWAY

Another example of our role in providing technical expertise has been for the Connecticut River Scenic Byway. We are concentrating on building the infrastructure for heritage tourism so that visitors will find a cooperating network of historic and scenic sites, as well as recreational experiences. Our consultants have designed a logo for the Byway, a handsome set of four-panel displays for each of the ten interpretive centers along the route, and a system of attractive signs that use the logo and will enable visitors to find their way.

THE NEED FOR FEDERAL AUTHORIZATION

The Upper Connecticut River Partnership Program is a gem of a public program that has proven its success, but it has always relied on federal support that has come each year only as a result of the goodwill of members of the Senate Appropriations Committee. Senators Judd Gregg and Patrick Leahy have been good friends of the Upper Connecticut River Partnership, but in 1999, despite their best efforts, when the dust settled on the Appropriations bill, our Partnership money ended up elsewhere.

The Upper Connecticut River Partnership deserved a more certain future. The State Legislatures of New Hampshire and Vermont thought so too, and both passed resolutions calling upon Congress to secure a permanent authorization for the Partnership.

Our geographical area is bi-state, and thus should have federal authorization for our interstate role. Federal agencies come to the Connecticut River Joint Commissions to deliver programs because we are the only effective agent for bi-state cooperation. It is time for these ad hoc relationships to be formalized with statutory authorization. We base this request for Congressional authorization on the models provided by similar multi-state programs such as the Chesapeake Bay Gateways and Water Trails Network, and the Lake Champlain Basin Program.

The scale on which we operate—275 miles of river—and a 11,000 square mile watershed—can only be embraced by intergovernmental support through the cooperation fostered by the Connecticut River Joint Commissions. S. 1433 recognizes and reinforces a longstanding partnership and set of collaborative relationships between agencies of New Hampshire and Vermont as well as with agencies of the federal government.

Senator THOMAS. Senator Clinton has joined us.

**STATEMENT OF HON. HILLARY RODHAM CLINTON,
U.S. SENATOR FROM NEW YORK**

Senator CLINTON. Thank you, Mr. Chairman.

Senator THOMAS. I see we're a little pushed now for a vote here, so—

Senator CLINTON. Thank you, Mr. Chairman.

And I will submit my entire statement for the record.

But I want to thank you and Senator Akaka for including the important legislation, S. 1241, which I introduced in June of this year, to honor one of the real pioneer women in our country's history. I will also be submitting with my testimony letters of support from Representative McNulty, who represents the area in which the Kate Mullany House is found, in Troy, New York, along with the State majority leader of the New York State Senate, Joe Bruno, and others, including Representatives Sweeney and Bollard and Quinn, and Dennis Hughes, president of the New York State AFL-CIO, Thomas Hobart, president of the New York State United Teachers, and Mark Pattison, Mayor of Troy, New York. And I request that these letters also be made part of the record, Mr. Chairman.

Senator THOMAS. Without objection.

Senator CLINTON. This is a very great delight for me, because, as First Lady, I started a program called Save America's Treasures, working in conjunction with the National Trust for Historic Preservation. We worked with local officials and private groups around our country to bring to greater national attention some of the forgotten stories that make up America's past.

One of those stories was of Kate Mullany, a young Irish immigrant, who came to upstate New York, who went to work in the collar industry. Troy, New York, became the center for detachable collars and cuffs. And in the 1820's, a first commercial laundry was established, where literally thousands of these young immigrant women worked to clean the—to make first, and then to clean the cuffs and collars.

In 1864, partly because of wage discrimination, the men who worked in this industry were paid more than the women. And partly because of working conditions, Kate Mullany and about 200 of her fellow female laborers organized the first woman's trade union in the United States, the Collar Laundry Union. They demanded to be paid the same as their male colleagues, who worked in their industry, and they even went on strike to secure a 25-cent wage increase, which was a lot of money back then.

Her leadership, as a union leader and as a real pioneer, enabled not only her family, but others, to have a decent standard of living. And the Mullany family bought a small home in Troy, which I had the privilege, in 1998, as designating a national historic landmark. The National History Landmark Theme Study on American Labor History concluded that the Kate Mullany House appears to meet the criteria of national significance, suitability, and feasibility for inclusion in the National Park System.

I'm always looking for opportunities, Mr. Chairman, to make sure that the roles and contributions that women made to American history are recognized. This gives us an opportunity to do just that. And the Kate Mullany House will become part of a larger

project of the American Labor Studies Center, a not-for-profit corporation, which will tell the story of the industrialization of America, of the fight for fair wages and safe working conditions, and of the contributions that extraordinary young women, like Kate Mullany, made to the development of our nation's economy.

So, Mr. Chairman, I see this as the beginning of a constructive process. I look forward to working with you and Senator Akaka to turn this legislation into reality, and I thank you for your time and attention to this important bill.

Senator THOMAS. Thank you, Senator Clinton.

[The prepared statement of Senator Clinton follows:]

PREPARED STATEMENT OF HON. HILLARY RODHAM CLINTON,
U.S. SENATOR FROM NEW YORK

Mr. Chairman, I want to open my remarks by extending my warmest thanks to you and to the ranking member, Senator Akaka, for including S. 1241 in today's hearing. I introduced S. 1241 in June of this year. It is wonderful to have been given this opportunity to discuss my legislation before your subcommittee just a few months later. It is important to mention the tireless efforts of Representative McNulty, my colleague from New York, who has introduced this legislation in the House and has been working hard to win its passage over the course of several congresses. I know he is heartened by the decision to hold this hearing.

And I am pleased to submit with my testimony letters of support from Representative McNulty and from the Majority Leader of the New York State Senate, Joseph Bruno, whose districts encompass the site. In addition, I am submitting support letters from Representative Sweeney, Representative Boehlert, and Representative Quinn, from Denis Hughes, the President of the New York State AFL-CIO, from Thomas Hobart, the President of the New York State United Teachers, and from Mark Pattison, Mayor of Troy, New York. I request that these letters be made a part of the record.

I fully expect that you will receive more letters of support from a variety of sources, including organized labor, and other local and state officials from across the political spectrum. The letters I am submitting show that this bill is not a Democratic bill. It's not a Republican bill, or a labor bill—it is a unique bill.

Mr. Chairman, it's not surprising that there should be such a groundswell of local support for S. 1241, because the Kate Mullany National Historic Site deserves to be established in Troy, New York. Not only does this legislation honor Kate Mullany's work and her life, but it would allow the National Park System to provide the technical assistance needed to ensure the site honors the national significance of Kate Mullany.

I visited the Kate Mullany House during the summer of 1998. I was honored to be present at a ceremony commemorating the designation of the Kate Mullany House as a National Historic Landmark. It was a highlight of my time as First Lady and of my participation in the "Save America's Treasures" program.

Troy is located across the Hudson River and just north of Albany, New York. The Hudson River was a great highway of commerce in the 19th century and it remains an important commercial route to this day. Situated at the junction of the Hudson and the Mohawk Rivers, Troy has a featured place in the development of the collar and cuff industry and the iron industry in the 19th century, as well as in the growth of men's and women's worker associations. Great businesses grew up, and heroic labor leaders with them.

Kate Mullany was certainly one of those leaders. In fact, she embodied the ideals of both the labor movement and the women's suffrage movement. Kate Mullany's leadership role occurred at around the same time as the increasing prominence of notable suffragists like Susan B. Anthony and Elizabeth Cady Stanton in the women's rights movement. In fact, Kate Mullany has also been inducted into the National Women's Hall of Fame in Seneca Falls, New York.

Kate Mullany came to the United States as a young immigrant from Ireland and grew into a dynamic and effective labor organizer. This bill is an important tribute to her and to New York's rich history of women's rights and the individuals who fought so hard to improve the lives of women laborers and immigrants all over the country.

Like so many other women, in order to help support her family, Kate Mullany went to work washing, starching, and ironing clothes at a commercial laundry in

Troy, New York. Kate worked outside the home, fourteen hours each day, for two dollars a week, under harsh conditions.

Kate had other qualities in addition to this enormous dedication and self-sacrifice. When a newspaper claimed that there weren't enough women in New York to be labor organizers, Kate Mullany said confidently: "You show me the women and I'll turn them into organizers." And she did.

In February of 1864, Kate Mullany and about 200 of her fellow female laborers organized one of the first, if not the first, sustained women's trade unions in the U.S., the "Collar Laundry Union." Together, they were a formidable force and, after striking for a week, they were able to secure a 25 percent wage increase.

The Collar Laundry Union continued as an influential force in the Troy collar and cuff industry for five years beyond its formation, which was very unusual for women's labor organizations at this time. Kate Mullany's leadership was recognized four years later, when National Labor Union President William Sylvis appointed her to the labor union's national office. This was the first time a woman had been so honored.

After the successful 1864 strike, Kate Mullany's family used some of those increased wages to buy land. A double row house was built on the land. The Mullany's lived on the top floor at 350 8th Street. Many of their neighbors labored in the collar and iron working industries. It was in this house that Kate Mullany and her family spent many more years.

Based on a variety of factors, the National Historic Landmark Theme Study on American Labor History concluded that the Kate Mullany House appears to meet the criteria of national significance, suitability, and feasibility for inclusion in the National Park System.

It is important to add that the Kate Mullany House is one piece of a larger project of the American Labor Studies Center, a not for profit corporation. Working with the Center, the New York State AFL-CIO has recently purchased the House and has made arrangements to purchase an adjacent lot. They plan to transform the lot into the Kate Mullany Park, which will honor female trade union pioneers. I understand that funding for this project is expected to come from New York State funds already set aside for the purpose. According to the Center, the technical assistance the Park Service is uniquely qualified to provide is a critical element in the full development of the site.

When the Kate Mullany project is fully completed and becomes a part of the national park system, the rich and vibrant history of the American labor movement will be featured in a wonderful location. And when people come to study this movement at the Kate Mullany site, they will know that the voices of the men, and especially the women, who led the American labor movement, have been preserved forever.

So, Mr. Chairman, I see this as the beginning of a constructive process. And I look forward to working with you and Senator Akaka to turn this legislation into a reality. Thank you.

Senator THOMAS. Senator Schumer.

STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM NEW YORK

Senator SCHUMER. Thank you, Mr. Chairman.

And I just want to, first, join my colleague in supporting this legislation, commend her for her great works on this. As the cosponsor of this legislation, obviously I am in support.

I'd just like to say two things, Mr. Chairman. I'll ask unanimous—I know we're pressed for time, so I'll be very quick.

Two things. Number one, that the city of Troy is engaged in a turnaround. It's coming back. And to remember its roots, to remember the collar industry, and to remember the sacrifices that men and women made to build this city, to build America, immigrants and others, is really important. Second, of course, it is fitting to realize that women played a very, very strong role in not only building America, these women had to raise families, as well as work so hard. And Kate Mullany symbolizes them. So this is a wonderful thing for Troy, but it's a wonderful thing for America.

Senator THOMAS. Thank you, Senator.

Thanks to all of you. I thought that the Senator and you made very good statements.

Some disagree here, and it's good to have sides represented and to have women represented as we're talking here, Ms. Francis.

Thank you so much, and the committee is adjourned.

[Whereupon, at 10:55 a.m., the hearing was adjourned.]

APPENDIX
ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

MORRIS LAW FIRM,
Atlanta, GA, October 28, 2003.

Hon. CRAIG THOMAS,
Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I represent the Perkins branch of the Carnegie family in connection with the property retained by them and me on Cumberland Island, Georgia. I am writing to you on my own behalf and on behalf of the Perkins family in order to seek your assistance in forcing the National Park Service ("NPS") to honor commitments made to us in the 1970s and 1980s as part of the process that transformed Cumberland Island ("Cumberland Island" or the "Island") into the Cumberland Island National Seashore. We seek your help in causing the NPS to fulfill its promises to us of convenient vehicular access along the South Cut Road that runs from our retained properties to the Atlantic seashore. Specifically, we ask you to cause the NPS to designate the South Cut Road as "potential wilderness" rather than "wilderness" throughout the term of the retained estate held by the Perkins family and my family.

As you may know, during the latter part of the nineteenth century and first half of the twentieth century the heirs of Lucy and Thomas Carnegie of Pittsburgh, Pennsylvania, and Charles Howard Candler of Atlanta, Georgia, primarily owned Cumberland Island. In the late 1960s and early 1970s, in order to preserve the natural character of Cumberland Island, the Carnegie and Candler families contacted the NPS and proposed that legislation be enacted to prevent any commercial development of the Island. The efforts of these families, among others, resulted in the passage of legislation in 1972 which created the Cumberland Island National Seashore. The Perkins family and I retain life interests to our homes, including the right the use and to have convenient access to our properties and the Atlantic seashore.

As part of our discussions with the NPS in the 1970's and 1980's related to the creation of the Cumberland Island National Seashore, we received explicit assurances from Mr. Joe Brown, then the Regional Director for the Southeast Region of the NPS, and Mr. George Sandberg, then the representative of the NPS and the National Park Foundation responsible for negotiating with the families to transfer their lands to the NPS. Stated briefly, the NPS promised us that we would have a right of convenient access to the Atlantic seashore during the entire term of our retained rights to use of and access to our properties on Cumberland Island.

The NPS' assurances regarding our right of access to the Atlantic seashore were confirmed in part by Special Use Permit No. 5:5630:29 (the "Permit"), which was issued to Table Point Co., Inc., a company formed to hold our interests on Cumberland Island, on September 30, 1980. Under that Permit, we were granted a right of "convenient access" to the Atlantic seashore for a twenty-year period. The Permit expressly references the South Cut Road as a mechanism for "convenient access" to the Atlantic seashore, and during an earlier hearing before Congress held on April 30, 1980, the members of Congress involved determined, and the NPS agreed, that the South Cut Road provided the only convenient access for us to the Atlantic seashore.¹ Further, although the NPS had promised us that the Permit would be auto-

¹Mr. Sandberg confirmed the NPS' understanding in this regard in a letter dated February 25, 2001, which clearly and unequivocally recognizes that Table Point Co. retained the right to vehicular beach access at a convenient location until such time as its retained rights expired or the NPS installed some form of public transportation to the Atlantic seashore. The only "convenient" access for the Table Point Co. shareholders (the Perkins and Morris families) is the

Continued

matically renewable until such time as our retained rights expired, the Permit as issued did not include an automatic renewal provision. When we brought this omission to the NPS' attention, the NPS assured us that there would not be any problem with renewing the Permit at the expiration of its initial term.

The NPS' assurances regarding our right of convenient access pursuant to the South Cut Road were also confirmed in a letter from Mr. Donald Paul Hodel, Under Secretary, U.S. Department of the Interior, Office of the Secretary, dated December 15, 1981, to the Honorable Morris K. Udall, Chairman, Committee on Interior and Insular Affairs, regarding the position of the Department of the Interior on the bill designated to propose portions of the Cumberland Island National Seashore as wilderness. On page 2 of the letter, Under Secretary Hodel specifically states that the South Cut Road is in an area intended for future designation as "wilderness" at such time as the NPS acquires all of the land that was formerly under Carnegie ownership. This statement is an acknowledgement of the agreements reached between Mr. Joe Brown, then Regional Director, and me in 1980 to the effect that South Cut Road would be excluded from the wilderness designation until such time as the Table Point Co.'s retained ownership rights expire. Thus, as of December 15, 1981, the Office of the Secretary had knowledge of our agreement and was operating under same, and directed that South Cut Road be designated "potential wilderness" rather than "wilderness" until our retained ownership rights expire.

The Cumberland Island National Seashore resulted from the efforts of the Carnegie and Candler families to preserve Cumberland Island from commercial development. In pursuing our goal of preservation and in transferring the large tracts of private property to the NPS in order to create the Cumberland Island National Seashore, we were assured the rights to continue to use and enjoy our retained properties and the related right to convenient access to the Atlantic seashore along the South Cut Road. It is my sincere hope that you will help us to force the NPS to honor its commitments to us regarding our right to use the South Cut Road.

I have attached to this letter various materials, including a map showing the locations of each of the various "roads" on Cumberland Island, which provide more information related to the history of our dealings with the NPS. I will be contacting you by telephone in the next few days in order to discuss this letter and those materials with you, and look forward to working with you on this difficult and important issue.

Very truly yours,

THORNTON W. MORRIS.

MORRIS LAW FIRM,
Atlanta, GA, October 28, 2003.

Hon. CRAIG THOMAS,
Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: The purpose of this letter is to outline to you the history of the use by the shareholders of Table Point Co. Inc., the company formed to hold the interests of the Perkins branch of the Carnegie family and myself in Cumberland Island, Georgia, of the beach road running in a direct east-west line from our retained estate to the Atlantic Ocean and known as "South Cut Road." The history is as follows:

1. The proposed Development Plan for the Cumberland Island National Seashore, which was prepared in September 1967, contemplated a much different picture of Cumberland than we presently have in existence. Among other things, there was contemplated an Island shuttle service which would move visitors in jitney trains up and down the Main Road and possibly to the beaches. This plan shows the various locations of the proposed shuttle service.

During this period of history many important things were happening which affected Cumberland. A trust for one branch of the Carnegie family sold its land to Mr. Charles Fraser, the developer of Hilton Head Island, who proceeded to begin development of the southern and northern tracts purchased. He built a visitors center which is now the National Park Service Sea Dock house and was underway with additional development, as well as beginning the construction of a significant jet port located on the northern portion of the island. The scars from that jet port still remain and can be seen from the air. Also, there was significant pressure from cer-

South Cut Road, which runs directly east-west from our property to the Atlantic Seashore. The South Cut Road could not be more convenient, nor could any of the other alternatives be less convenient.

tain portions of the Georgia Legislature to pass legislation known as the Camden Recreational Authority Bill which had as its purpose the condemnation of private lands on Cumberland Island by a state development authority, and then conveying such lands to Mr. Charles Fraser for development. In other words, to the extent that Mr. Fraser was unable to negotiate a purchase from any of the owners of Cumberland, since he was the moving force behind this legislation, he would have been able to accomplish his ends serendipitously.

In a hearing on the floor of the Georgia House of Representatives, I, as a member of the Georgia Legislative Study Committee, known as the Coastal Islands Study Committee, was able to bring to light the fact that the bill had been introduced, and supported by a legislator/attorney who was on retainer to Mr. Charles Fraser. This conflict of interest killed the legislation and the political career of this particular legislator.

I mentioned this bit of history to show you the minute-by-minute events that were occurring in our fight to stop Mr. Charles Fraser from developing Cumberland Island. It was at that point that I, representing the residents of Cumberland Island, worked out with Mr. George Hartzog, Jr., the invitation for the National Park Service to come to Cumberland Island, and for the residents and the National Park Service to develop the joint public/private "co-stewardship" concept for the future. That relationship has, except for a few problems which the present superintendent, Mr. Arthur Frederick, is attempting to resolve, on the whole been a very productive working relationship, where the residents have been instrumental in helping the National Park Service on many of its projects.

The only disheartening issue which has developed between the National Park Service and us has been the arbitrary and capricious method by which the Park Service has attempted to deal with Table Point Co. Inc., on its use of the South Cut Road.

2. The letter from me to Mr. George Hartzog, who, at that time, was Director of both the National Park Service and the National Park Foundation, dated April 30, 1970, was the invitation that we, as owners, gave to the National Park Service to begin the process of acquiring lands on Cumberland. You will notice that this letter refers to our clients as the Cumberland Island Conservation Association. This was an organization composed of the various owners and other residents on Cumberland who were fighting Mr. Charles Fraser's proposal to develop Cumberland Island.

3. The Memorandum dated June 26, 1970, from me to the Cumberland Island Conservation Association, which as I said earlier was composed of the landowners of Cumberland Island, is one in which I describe some of the agreements reached between Mr. George Sandberg, the representative of the National Park Foundation and National Park Service handling the Cumberland Island Project and me. You will notice that at that early stage, the landowners are assured the right to use any and all roads on the island, so long as that road is not a private estate road of another owner. The issue of road use was covered early in our discussions with the National Park Service representatives and the landowners were assured the right to use all of these roads. I then advised the landowners that this was the position of the National Park Service, and those understandings became as much a part of the various agreements entered into between the owners and the National Park Service as if written in them.

4. In my prepared remarks dated September 19, 1978, before a forum sponsored by the National Park Service, on page 2, I discuss the concept of how the retained estates were developed with the National Park Service, and the concept upon which the various owners were induced to transfer their land to the National Park Service. This discusses the example used by Mr. Stuart Udall of the "100 year tunnel". It again reflects a general philosophy of accommodation and working together between the residents and the National Park Service and a slow transition having minor effects on the usage by the residents of the various areas on Cumberland.

5. In my letter to then Congressman Ronald "Bo" Ginn, dated June 19, 1979, I raised for the first time an issue which came to my attention in 1979 by the National Park Service of its desire to close our beach road. I objected strenuously with the National Park Service and when I was unable to get any satisfactory hearing of our rights and privileges, went to the Congress of the United States. The starred paragraph of this letter describes the problem which we foresaw in 1979 and sought congressional support to alleviate.

6. My letter to Congressman Ginn dated February 7, 1980, again outlines the issues regarding the rights of Table Point, Co. Inc., to use the South Cut Road, and this was the basis upon which the ultimate hearing was held in Washington. This letter reiterates again our consistent position that Table Point Co. Inc. was assured the right to use South Cut Road and our unwillingness to allow the National Park Service to abrogate its agreements with us.

7. Both the Georgia and the Pennsylvania delegations were quite active in requiring the National Park Service to live up to its word. The letter dated February 22, 1980, from Congressman Doug Walgren of the 18th District of Pennsylvania to Secretary Cecil D. Andrus is an example of the bipartisan support we had in Congress for this issue.

8. On March 26, 1980, the Acting Assistant Secretary of the Department of the Interior responded to Congressman Walgren in the bureaucratic language of "use of the Duck House Road would require the Perkins family and Mr. Morris to drive only about four additional miles to reach the beach". Anyone with any knowledge of Cumberland Island understands from the face of this letter the ridiculous position of the Department of the Interior. The author of the letter, Acting Assistant Secretary David Hales, obviously had never been to Cumberland Island and knows nothing about the Duck House Road which at that time and is today practically impassable even in a four-wheel drive vehicle. I am including this letter to show the insensitivity of the National Park Service at that time to the needs of Table Point Co. Inc. and its shareholders.

9. Mr. George Sandberg, while still with the United States Department of the Interior, wrote the enclosed letter in which he reiterated the commitment to a "convenient beach access" until which time as the National Park Service provided the jitney service. Also, he makes clear that this commitment to convenient beach access was meant to be a covenant running with the land as stated in the top paragraph of page 3. This letter simply reiterated all of the statements that we had made up until that point to the National Park Service to the affect that Table Point Co. Inc. had been guaranteed this beach access.

10. On April 30, 1980, a hearing was held at the House of Representatives attended by the following Congressmen: Ronald "Bo" Ginn, Butler C. Derrick, Newt L. Gingrich, M. Dawson Mathis, Billy Evans, William S. Moorhead, Doug Walgren, Wyche Fowler, Jr. and Larry McDonald, and the following Senators: Sam Nunn, Herman E. Talmadge, H. John Heinz, III and Richard S. Schweiker, being the Congressmen and Senators from Georgia, Pennsylvania, and in the case of Congressman Derrick, South Carolina. At that hearing, it was determined and the National Park Service agreed, that South Cut Road was the only convenient access to the Atlantic Beach by the Table Point Co. Inc. retained estate, that the South Cut Road would be designated as "Potential Wilderness" and not wilderness, and that Table Point Co. Inc. and its shareholders, being the Perkins and Morris families, had the right to use South Cut Road throughout the term of the retained estate of Table Point Co. Inc. In making this final determination and agreements, Mr. Joe Brown, then District Director of the National Park Service, requested of me and Mr. William Boyd, Jr., both of us representing Table Point Co. Inc., that we agree to the use of an automatic renewable twenty-year Special Use Permit. Both Mr. Boyd and I personally were promised that no problem would occur in the renewal of the Special Use Permit throughout the term of the retained estate. It was represented to us that this was the longest Special Use Permit available to the National Park Service at that time and it would help the National Park Service not to have to go back and redo all of its planning for Cumberland Island. We agreed to this procedure, again trusting the National Park Service to live up to its word. Also, I was personally promised that the Special Use Permit would be delivered to me in a matter of days, and that representation was given by Mr. Brown to the Congress of the United States. From April 30 on, I began to receive nothing but delays from the National Park Service in its getting the documentation to me.

The use of the automatically renewable twenty-year Special Use Permit was agreeable to us because we were assured that the permit would be renewed throughout the period of the retained estate and that there would be no problem from April 30, 1980 until the expiration of the Table Point Co. Inc. retained estate in the use by Table Point Co. Inc. of the South Cut Road. I am enclosing a copy of an affidavit appearing in the Office of the Clerk of Superior Court of Camden County, Georgia in Deed Records numbered 159, page 633, dated December 4, 1980, which outlines the understandings of such parties.

11. On April 24, 1980, Senator Talmadge wrote to Director William Whalen to determine whether the April 30 meeting was sufficient to cause the National Park Service to honor its promises to us. On June 17, 1980, Mr. Joe Brown, Regional Director, responded to Senator Talmadge by saying that "as a result of the April 30 meeting, special consideration will be given to providing the Perkins family access to the beach at a convenient location. As soon as we have prepared the necessary Special Use Permit, we will present our proposal to Mr. Thornton Morris." Thus, the National Park Service acknowledges itself that the convenient location to the Atlantic Beaches by the retained estate of Table Point Co. Inc. is South Cut Road. This letter reflects this agreement.

Beginning approximately a week after the hearing, I began to phone Mr. Joe Brown to inquire as to the status of the documentation of our agreements. At that time, Mr. Joe Brown began to stall me and blamed it on bureaucratic inertia. However, I have subsequently determined that the real problem may well have been a fraudulent misrepresentation to me and not just the slowness that is required in working through the administrative process.

12. I have just recently uncovered evidence which reflects that Mr. Brown was not truthful in his discussions with me. On May 23, 1980, he wrote to Mr. G. Robert Kerr, Executive Director of The Georgia Conservancy, apparently seeking its approval of the agreement he entered into with Table Point Co. Inc. and represented to be our agreement to the Congress of the United States. On June 13, 1980, The Georgia Conservancy responded to Mr. Joe Brown in which The Georgia Conservancy recommended that South Cut Road be designated as "Potential Wilderness" and that a Special Use Permit be granted to the shareholders of Table Point Co. Inc. However, this recommendation was not the unequivocal automatically renewed Special Use Permit which was agreed to between us and which Mr. Joe Brown represented to Congress. It appears now that Mr. Brown somehow felt that he needed to have the support of The Georgia Conservancy even though he had already promised to Table Point Co. Inc. and to the Congress of the United States how the nature of the Special Use Permit would work. However, this letter reflects the agreement to cause South Cut Road to be "Potential Wilderness" and that Table Point Co. Inc. was meant to have the right to use it throughout our retained estate.

13. Then on July 3, 1980, the "Director" who apparently was Russ Dickenson, wrote a letter to The Wilderness Society in which he stated that "our Southeast Regional Office is negotiating with Mr. Thornton Morris on conditions of a Special Use Permit . . .". Nothing could have been further from the case. There were no negotiations because all of those occurred on April 30, 1980. Again, since I only received the information of paragraphs 12 and 13 recently, I did not understand that the National Park Service sought the approval of The Georgia Conservancy and The Wilderness Society after it had made binding commitments with me and representations to the Congress of the United States. However, likewise, The Wilderness Society approved the designation of South Cut Road as a "Potential Wilderness" and recommended that Table Point Co. Inc. have the Special Use Permit.

14. In late September, after many, many phone calls by me to Mr. Joe Brown, Regional Director of the National Park Service, demanding the documentation reflecting our agreement, by letter dated September 22, 1980 Mr. Joe Brown sent to me what he referred to as the "fully prepared Special Use Permit". This was a full five months after our agreement and after Mr. Joe Brown represented to me and to the Congress that the documentation would be handled "in a matter of days". The second paragraph of this letter of September 22, 1980 was the first time I ever heard that the Special Use Permit agreed to by the National Park Service would not be automatically renewable. I immediately contacted Mr. Brown and demanded that the document be prepared in accordance with the representations to the Congress of the United States and his agreement with me.

I met with Mr. Joe Brown and he "pleaded" with me to let the National Park Service handle it this way and assured me again that there would be no problem with the renewal. Also, he knew that we were weary of having gone through the congressional process and wanted to avoid another trip if possible. You will notice that in the second paragraph that he calls to my attention the fact that the permit is not on its face automatically renewable, although that was our agreement.

It is only after recently obtaining the documentation where he was not truthful with us in his dealings, do I have an understanding of what probably happened. It appears that Mr. Brown, being anxious to please The Georgia Conservancy and The Wilderness Society, attempted to mollify them with this language, at the expense of living up to his word to us. This appears to be a fraudulent misrepresentation to the shareholders of Table Point Co. Inc. and to the Congress of the United States.

15. An issue developed with the South Cut Road in 1985, and I wrote a letter dated March 15, 1985 to the Superintendent at the time, Mr. Ken O. Morgan. In that letter, I stated again the agreements for the Special Use Permit, and the fact that it was used at the request of the National Park Service.

16. During 1997, I discussed with then Superintendent Denis Davis the automatic renewable nature of the Special Use Permit. Mr. Denis Davis asked me to forward the information to him which I did by letter dated July 2, 1997. He assured me that there would be no problem with the renewal and began to stall.

17. After Mr. Denis Davis was replaced with Mr. Arthur C. Frederick, I contacted Mr. Arthur Frederick and discussed with him on several occasions the renewal of the Special Use Permit. I was told that there was "no problem" with its renewal but that the Park Service was "going through channels". On May 31, 2000, I wrote

a letter to Mr. Frederick formally requesting the National Park Service immediately issue the Special Use Permit. I still did not understand that there might be a problem inherent with the automatic renewal feature agreed upon.

When the Wilderness Management Plan came out, I obtained a copy and found for the first time that the National Park Service was taking the position that the Special Use Permit was expired and that the renewal was not mandatory. No individual at the National Park Service ever advised me of this until I read it in the proposed plan.

At this time, I am asking your office to cause the National Park Service, Department of the Interior, to grant to Table Point Co. Inc. and its shareholders written and binding understandings which carries out the consistent promises of the National Park Service to Table Point Co. Inc. for the use of the South Cut Road throughout the term of the retained estate of Table Point Co. Inc.

Best wishes,

THORNTON W. MORRIS.

MORRIS LAW FIRM,
Atlanta, GA, October 28, 2003.

Hon. CRAIG THOMAS,
Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I am writing this letter for inclusion in the record to be developed at a hearing in the United States Senate scheduled for Thursday, October 30, 2003, related to the Cumberland Island National Seashore Wilderness Boundary Act of 2003, S. 1462 (the "Bill"), which is intended to amend Public Law 97-250 (96 Stat—709). I represent Table Point Co., Inc. ("Table Point"), the transferor of substantial real property on Cumberland Island that enabled the Cumberland Island National Seashore to become a reality. Table Point includes members of the family of Coleman Perkins and myself, and we want to express our support for the bill in the manner discussed below.

Although we support the bill in principle, we believe that Section 2(b)(2) of the bill must be amended in order to include the South Cut Road, which appears to have been inadvertently omitted. As the attached materials indicate, such an amendment would confirm the agreement reached by the National Park Service ("NPS") and Table Point with respect to retained use rights involving the South Cut Road.

The Perkins family and my family have used the South Cut Road on a regular basis for 30-plus years, and in 1980 the NPS promised us that we would be able to continue to use the South Cut Road for the duration of our retained rights on Cumberland Island. Amending Section 2(b)(2) to include the South Cut Road will, therefore, both:

- ensure that the NPS honors a longstanding commitment made to us at the time that the Cumberland Island National Seashore was created, and
- be beneficial to Cumberland Island as a whole. Specifically, continuing use of the South Cut Road will have less environmental impact on the Island as a result of its direct access to the coast, will be more convenient for current Island residents than other roads, and will reduce fire hazards.

If the NPS is allowed to break its promise to us related to our continued use of the South Cut Road, then Congress can anticipate a chilling effect on other land-owners who might otherwise be interested in donating land to the NPS. Such an effect will work to the detriment, rather than the betterment, of our country's environmentally important areas like Cumberland Island.

I appreciate your time on and attention to this important matter.

Very truly yours,

THORNTON W. MORRIS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2003.

Chairman CRAIG THOMAS,
U.S. Senate Subcommittee on National Parks, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing in support of the Kate Mullany National Historic Site Act (S. 1241), legislation that would establish the Kate Mullany National Historic Site in Troy, New York. This legislation is scheduled to be considered by the Senate Energy and Natural Resources Committee, Subcommittee on National Parks on Thursday, October 30 at 10:00 AM.

National Historic Site Designation of the Kate Mullany House will bring important national attention to a site that is historically significant for the role played by Kate Mullany with the first all female union in the 1860s. As a 19-year-old Irish immigrant, Kate Mullany led the Collar Laundry Union in the United States and was the first woman to serve as an officer of a national union. She was recently inducted into the National Women's Hall of Fame in Seneca Falls, New York for her outstanding achievements. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno in whose district the site is located. State Senator Bruno has also committed funds to purchase the adjacent property that will become Kate Mullany Park where trade union women pioneers will be honored.

The purpose of this designation is to have the National Park Service provide technical assistance and advise on best ways to properly maintain the site. Bonnie Halda, Manager, Preservation Assistance Group, Northeast Region of the National Park Service visited the property on June 22 and commented very favorably on the site's potential.

Development of the Kate Mullany Historic site has significant local and state support. I urge you to join me in recognizing Kate Mullany for her accomplishments and approve this legislation. Please feel free to contact me with any questions or concerns.

Sincerely,

SHERWOOD BOEHLERT,
U.S. Representative, New York.

THE CITY OF TROY,
OFFICE OF THE MAYOR,
Troy, NY, October 29, 2003.

Hon. CRAIG THOMAS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I am writing to support approval of S. 1241, the "Kate Mullany Historic Site Act" which will be considered by the Senate Energy and Natural Resources Committee on Thursday, October 30 at 10:00 a.m.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State because it will bring important national attention to a site that is historically significant for the role played by Kate Mullany in the 1860s as a 19-year-old female Irish immigrant who led the first all female union in the United States and was the first woman to serve as an officer of a national union. She was recently inducted into the Women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno in whose district it is located. Senator Bruno has also committed funds to purchase the adjacent property that will become Kate Mullany Park and honor trade union women pioneers.

The purpose of the designation is to have the National Park Service provide technical assistance and advise on best ways to properly interpret the site. Bonnie Halda, Manager, Preservation Assistance Group, Northeast Region of the National Park Service, visited the property on June 22 and commented very favorably on the site's potential.

Development of the site has significant local and state support and we urge your approval of the legislation.

Sincerely,

MARK P. PATTISON,
Mayor.

THE SENATE,
STATE OF NEW YORK,
Albany, NY, October 29, 2003.

Hon. CRAIG THOMAS,
*Chairman, Subcommittee on National Parks, Dirksen Senate Office Building, Wash-
ington, DC.*

DEAR SENATOR THOMAS: I am writing to you for your support of S. 1241, the "Kate Mullany Historic Site Act," which will be considered by your Subcommittee on Thursday, October 30 at 10:00 a.m.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State because it will bring important national attention to a site that is historically significant for the role played by Kate Mullany in the 1860s as a 19-year-old female Irish immigrant who led the first all female union in the United States and was the first woman to serve as an officer of a national union. She was recently inducted into the women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997.

I am proud to have been able to support the Kate Mullany House by securing funds for the American Labor Studies Center to purchase the House. I am also in the process of obtaining funds which will be used to purchase the adjacent property that will become Kate Mullany Park and honor trade union women pioneers.

The purpose of the designation is to have the National Park Service provide technical assistance and advise on best ways to properly interpret the site. Bonnie Halda, Manager, Preservation Assistance Group, Northeast Region of the National Park Service visited the property on June 22 and commented very favorably on the site's potential.

Development of the site has significant local and state support and I would ask for your assistance in obtaining approval of this legislation. Thank you.

Sincerely,

JOSEPH L. BRUNO,
NYS Senate Majority Leader.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 30, 2003.

Hon. CRAIG THOMAS, *Chairman,*
Hon. DANIEL K. AKAKA, *Ranking Democratic Member,*
*Subcommittee on National Parks, Senate Committee on Energy and Natural Re-
sources, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN THOMAS AND RANKING MEMBER AKAKA: As the primary sponsor of H.R. 305, the House companion legislation to S. 1241, the Kate Mullany National Historic Site Act of 2003, I thank you very much for bringing this bill before the subcommittee for consideration today.

I have introduced the Kate Mullany National Historic Site Act in each of the last four Congresses. I am most grateful to my good friend from New York, Senator Hillary Rodham Clinton, for introducing the Senate version earlier this year.

Many historians refer to the city of Troy, New York, located in my congressional district in the Capital Region of New York State, as the "cradle of the Industrial Revolution" for the important role it played in the development of the collar, cuff, and iron industries in the mid-19th century, and in the development of early men's and women's worker and cooperative organizations. At the heart of this city, at 350 Eighth Street, sits a modest, three-story house—but what a story it has to tell. It is the only surviving structure associated with one of the American labor movement's earliest women leaders, Kate Mullany.

Kate Mullany exemplifies the proud and rich history of both America's organized labor movement and America's women's rights movement. In the 1820s, local entrepreneurs established the nation's first commercial laundry in Troy to wash, starch, and iron a local invention, the "detachable collar." By the 1860s, Troy supplied most of America with detachable collars and cuffs, employing over 3,700 female launderers, starchers, and ironers. These women toiled in oppressive heat, working 14-hour days for \$2 a week. When factory owners introduced new machinery that increased production but worsened working conditions, one of these young women stepped up and organized a union to demand change.

That remarkable and courageous woman was a young, Irish, immigrant laundry worker named Kate Mullany. In February 1864, Mullany and 200 other workers formed the first-of-its-kind, all-female Collar Laundry Union. The union went on

strike and demanded a 25-cent raise. The laundry owners capitulated a week after the strike began.

Under Mullany's leadership, the Collar Laundry Union, unlike most unions at the time, remained an organized force for years after its inception. The Collar Laundry Union remained active, often assisting other unions, and even attempting to establish an employee cooperative. Kate Mullany's hard work and commitment to fair treatment for workers earned her national recognition in 1868, when National Labor Union President William Sylvis made her the first female appointed to a labor union's national office.

The New York State AFL-CIO stands ready to capitalize upon the building's rich history by establishing the American Labor Studies Center (ALSC) at the Mullany House. The ALSC will interpret the connections between immigration and the industrialization of our Nation, including the history of Irish immigration, women's history, and worker history.

Thanks to the excellent leadership of Denis Hughes, Paul Cole, and their colleagues at the New York State AFL-CIO, efforts to establish the ALSC have already gained significant momentum. The New York State AFL-CIO purchased the Mullany House earlier this year, and is in the process of acquiring an adjacent park, which will become a memorial park honoring female labor pioneers. Passage of S. 1241, to establish the Mullany home as the Kate Mullany National Historic Site, is essential to continuing this effort.

I strongly encourage the subcommittee, and the full committee, to preserve the home of female labor pioneer Kate Mullany for the benefit, inspiration, and education of the people of the United States of America by favorably reporting S. 1241.

Sincerely,

MICHAEL R. McNULTY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 2003.

Hon. CRAIG THOMAS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I am writing in support of S. 1241, the Kate Mullany Historic Site Act, which will be considered by the Senate Energy and Natural Resources Committee on Thursday, October 30 at 10:00 AM.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State, because it will bring national attention to a site that is historically significant for the role played by Kate Mullany. In the 1860s, Kate Mullany, a 19-year-old female Irish immigrant who led the first all female union in the United States, was the first woman to serve as an officer of a national union. She was recently inducted into the Women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno in whose district it is located. Senator Bruno has also committed funds to purchase the adjacent property that will become Kate Mullany Park and honor trade union women pioneers.

The purpose of the designation is to have the National Park Service provide technical assistance and advise on best ways to properly interpret the site. Bonnie Halda, Manager, Preservation Assistance Group, Northeast Region of the National Park Service, visited the property on June 22 and commented very favorably on the site's potential.

Development of the site has significant local and state support and we urge your approval of the legislation.

Sincerely,

JOHN E. SWEENEY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2003.

Hon. CRAIG THOMAS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR: I am writing to support approval of S. 1241, the "Kate Mullany Historic Site Act," which will be considered by the Senate Energy and Natural Resources Committee on Thursday, October 30 at 10:00 AM.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State, because it will bring important national attention to a site that is historically significant for the role played by Kate Mullany in the 1960s as a 19-year-old female Irish immigrant who led the first all female union in the United States and was the first woman to serve as an officer of a national union. She was recently inducted into the Women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno, in whose district it is located.

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Development of the site has significant local and state support and we urge your approval of the legislation.

Very truly yours,

JACK QUINN,
Member of Congress.

NEW YORK STATE AFL-CIO,
New York, NY, October 27, 2003.

Hon. CRAIG THOMAS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I am writing to support approval of S. 1241, the "Kate Mullany Historic Site Act," which will be considered by the Senate Energy and Natural Resources Committee on Thursday, October 30 at 10:00 AM.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State because it will bring important national attention to a site that is historically significant for the role played by Kate Mullany in the 1860s as a 19-year-old female Irish immigrant who led the first all-female union in the United State and was the first woman to serve as an officer of a national union. She was recently inducted into the Women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno in whose district it is located. Senator Bruno has also committed funds to purchase the adjacent property that will become Kate Mullany Park and honor trade union women pioneers.

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Development of the site has significant local and state support and we urge your approval of the legislation.

Sincerely,

DENIS M. HUGHES,
President.

NEW YORK STATE UNITED TEACHERS,
Latham, NY, October 29, 2003.

HON. CRAIG THOMAS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR THOMAS: I am writing to support approval of S. 1241, the "Kate Mullany Historic Site Act," which will be considered by the Senate Energy and Natural Resources Committee on Thursday, October 30 at 10:00 a.m.

The designation of the Kate Mullany House is important to Troy, the Capital District and New York State because it will bring important national attention to a site that is historically significant for the role played by Kate Mullany in the 1860s as a 19-year-old female Irish immigrant who led the first all-female union in the United States and was the first woman to serve as an officer of a national union. She was recently inducted into the Women's Hall of Fame in Seneca Falls, New York. The Mullany House was declared a National Historic Landmark in 1997 and was recently purchased by the American Labor Studies Center with funds provided by New York State Senate Majority Leader Joseph Bruno in whose district it is located. Senator Bruno has also committed funds to purchase the adjacent property that will become Kate Mullany Park and honor trade union women pioneers.

The purpose of the designation is to have the National Park Service provide technical assistance and advise on best ways to properly interpret the site. Bonnie Halda, Manager, Preservation Assistance Group, Northeast Region of the National Park Service, visited the property on June 22 and commented very favorably on the site's potential.

Development of the site has significant local and state support and we urge your approval of the legislation.

Sincerely,

THOMAS Y. HOBART, JR.,
President.

STATEMENT OF GOGO FERGUSON, CUMBERLAND ISLAND PRESERVATION SOCIETY,
 CUMBERLAND ISLAND, GA

I am fifth generation on Cumberland Island. I have watched many of the historic structures listed on the National Register fall in from demolition by neglect. Greyfield Inn on Cumberland Island was my home for many years; it is now a small inn and a very successful example of an adaptive use of a structure within a national park. It provides an experience for those who cannot or do not want to camp in a park, as well as the ability to educate themselves to the rich cultural and natural history through our naturalists.

Many of our guests are elder hostel groups or families who could not experience this national park without the educational tour by Greyfield Inn's naturalists. My family helped create this park with the vision of all being able to experience the incredible human history that had the wisdom and long-term vision to protect the land. This did not come without a great deal of sacrifice and work on the part of many. The legislative agreements made at the establishment of the seashore between the NPS and those people existing prior to the parks creation, otherwise known as "traditional people" should be honored.

This park (the young, the elderly, those who have descendants buried here, those who wish to see the Settlement and the First African Baptist Church, and those who want to see the spectacular architectural design of Plum Orchard mansion) should be able to. It is allowed in many other parks and it is of no impact to the surrounding wilderness here.

I strongly support this bill as a solution to manage this park in the spirit of which it was given and to allow access for all to the natural and historic sites. It will be impossible for the park to properly access and maintain their obligation to these historic sites.

STATEMENT OF GEORGIA FOREST WATCH; GEORGIA CHAPTER, SIERRA CLUB; GEORGIA CHAPTER, WILDERNESS WATCH; GEORGIA CENTER FOR LAW IN THE PUBLIC INTEREST; COOSA RIVER BASIN INITIATIVE; CANOOCHEE RIVERKEEPER; NATIONAL PARKS CONSERVATION ASSOCIATION; THE WILDERNESS SOCIETY; CENTER FOR A SUSTAINABLE COAST; CHATTOOGA CONSERVANCY; AMERICAN HIKING SOCIETY

Dear Member of the Senate Energy and Natural Resources Committee:
 Georgia Senators Saxby Chambliss and Zell Miller have introduced the Cumberland Island National Seashore Wilderness Boundary Act of 2003 (S. 1462) that

would in large measure destroy the Cumberland Island Wilderness Area by undesignating the existing wilderness, then "re-establishing" the wilderness with corridors for motorized access and with large natural and historical areas open to development. S. 1462 is an unprecedented gutting of a unit in the National Wilderness Preservation System. Currently, only a handful of island residents have valid access rights and are legally allowed to drive the primitive roads through the wilderness and potential wilderness areas. These rights are designed to phase out over time. All development on the island is prohibited. The proposed bill eliminates these protections, and opens the wilderness, in perpetuity, to government vehicles, commercial tours, and unmitigated development. We ask that you oppose this ill-conceived legislation.

Cumberland is the largest undeveloped barrier island and is unique on the east coast. In 1972, Congress set aside the island as a national seashore, declaring that it "shall be permanently preserved in its primitive state." It is one of only six National Park Service wilderness areas in the eastern United States, and one of only a handful of United Nations International Biosphere Reserves. It offers tremendous opportunities for a rich natural and historical experience. An unspoiled beach of white sands stretches 17 miles along its eastern shore, giving way to rows of sand dunes, uplands of saw palmetto, forests of yellow pine and live oak, and flats of salt marsh and tidal creeks. The only primary road on the island is a primitive, one-lane dirt road called the Main Road, which runs south-to-north with only a few primitive spur roads connecting to it.

There are many problems with S. 1462. The bill calls for the undesignation of hundreds of acres of wilderness that will split this already small wilderness area in two, having impacts that will reach far beyond the corridors and areas that the bill seeks to undesignate. S. 1462 would cut a permanent motorized "loop" through the heart of this already modest wilderness area. The bill will allow special interests to profit at the public's expense. The bill will open the north end of the island to development.

In sum, this bill will undermine more than 30 years of public and private efforts to preserve Cumberland in a primitive state. Congress should soundly reject it. Please support America's Wilderness legacy and oppose S. 1462.

We thank you for your attention to this important matter.

STATEMENT OF RICHARD MOE, PRESIDENT, THE NATIONAL TRUST
FOR HISTORIC PRESERVATION

Thank you, Mr. Chairman and members of the Subcommittee, for this opportunity to submit remarks on behalf of the National Trust for Historic Preservation concerning the Cumberland Island National Seashore Wilderness Boundary Act of 2003, S. 1462. Let me begin by commending Senators Chambliss and Miller for developing a bill that would strike a reasonable compromise between the need to protect Cumberland Island's rich inventory of natural resources with necessary access to its diverse historic treasures. By amending the wilderness boundaries created in 1982, the Senate would be taking a major step forward in resolving twenty years of conflict between the goals of wilderness protection and historic preservation. S. 1462 clearly shows that these goals need not be mutually exclusive.

For more than 50 years, the National Trust has been helping to protect the nation's historic resources. As a private nonprofit organization with more than a quarter million members, the National Trust is the leader of a vigorous preservation movement that is saving the best of our past for the future. The need for the National Trust has increased since its founding in 1949 just as the need for wilderness areas has also grown. But when limitations on access result in the deterioration and neglect of historic buildings and sites, we not only stand to lose a part of our past forever, we also miss the opportunity to let history come alive through experiencing its tangible legacy. Access to historic resources is an integral part of their proper interpretation and ongoing stewardship.

Cumberland Island unquestionably ranks among the nation's most stunning unspoiled natural areas, but there are portions of this 10,000-acre wilderness designation that could never fit the Wilderness Act's statutory definition of "undeveloped" and [devoid of] "permanent improvement or human habitation." The Interior Department noted this dichotomy way back when the original bill that created the area was signed into law. The major problem in including historic resources and the roads that lead to them within the boundaries of the wilderness area is that it prohibits motor vehicles and certain maintenance equipment from getting to those places.

When Europeans first explored the Island in the 1500s, the Timmucan Indians were already well established there as the ancient shell mounds indicate. We know that missionaries from Spain arrived to evangelize the Native American population and built a settlement there in 1595, but restricted access to archeological sites hampers a greater understanding of the Spanish legacy. James Ogelthorpe founded Fort Prince William there in 1736, the southernmost occupied site in what would become the original thirteen colonies. An historic African-American community with an adjacent cemetery provides us with an important link to the slaves that once occupied the island. S. 1462 would simply make these places easier to get to so that they could be appreciated by a wider audience and investigated more fully.

Lastly, there is Georgia's largest historic house, the 1898 Plum Orchard donated to the National Park Service in 1970 along with 12 acres for a National Seashore. Here, access restrictions pose a threat to the preservation of noteworthy intact structures themselves. Because of the restrictions the wilderness designation places on the road leading to the building, the NPS has found it extremely difficult to perform its duties related to maintaining and preserving the historic fabric. In September, the World Monuments Fund listed the Plum Orchard Historic District among only a handful of American locations on its 2004 list of 100 Most Endangered Sites.

The Park Service, for example, has struggled to comply with its mandate under the Historic Preservation Act to maintain approximately 25 designated historic structures that fall within the wilderness area, but the Wilderness Act prohibits the needed access to do the work successfully. Furthermore, some of the more innovative preservation approaches that the Park Service has explored to save Plum Orchard and allow it to benefit from increased visitorship have failed due to lack of access. At the most basic level, the necessary vehicles and equipment to preserve and maintain historic buildings need a way to get there. Moreover, not only should sites of historic value be open to public visitorship for their educational value, but in certain instances they engender public/private partnerships that go a long way to foster maintenance and upkeep. Cumberland Island is no exception.

The Chambliss Miller bill would amend Cumberland Island Wilderness Area's boundaries to ensure the future protection of natural resources and allow practical considerations for historic preservation. The measure would remove the 200-year-old, National Register listed "Grand Avenue," the principal road, from the wilderness designation so that visitors could again enjoy easy access to the Plum Orchard and High Point Historic Districts. Now, only a twice monthly ferry offers expensive limited access to these locations, a 24-mile round trip hike from the National Seashore. Two other lesser roads would also be removed from the wilderness area to provide the only access to the African-American Settlement, Native American shell mounds, and potential archeological resources of the former mission and fort sites. The National Trust applauds the way in which the S. 1462 would take great care to lessen any effect on removing the roads from the wilderness area by adding 210 new acres to the designation.

Mr. Chairman and members of the Subcommittee, The National Trust strongly supports S. 1462 along with the National Park Service, the Georgia Trust for Historic Preservation, and the Cumberland Island Historic Foundation. The bill before your consideration today is a compromise that would balance the need to safeguard the natural environment of one of the world's largest barrier islands with the historic preservation of the structures and sites located therein. Managing most of the island with wilderness area goals is important to protecting its future, but meeting these goals at the expense of cultural or historic resources is not what Congress intended in passing the Wilderness Act. Greater access that provides targeted locations the benefit of the vehicles and equipment necessary for maintenance, interpretation, and public benefit will ensure that Cumberland Island's treasures—both natural and man-made—will be protected for future generations.